

The Subscription to the SOLICITORS' JOURNAL is—Town, 2s.; Country, 2s., with the WEEKLY REPORTER, 5s. Payment in advance includes Double Numbers and Postage.

Subscribers can have their Volumes bound at the Office—cloth, 2s. 6d.; half law calf, 4s. 6d.

All Letters intended for publication in the "Solicitors' Journal" must be authenticated by the name of the writer, though not necessarily for publication.

Where difficulty is experienced in procuring the Journal with regularity in the Provinces, it is requested that application be made direct to the Publisher.

the heir-at-law of her own testator; we should be glad to know how it is intended that the costs should be paid. Should the mortgagee file a bill for redemption, not in the County Court but in the High Court of Chancery, we entertain little doubt that the costs of this premature proceeding would not be allowed as against him.

IT APPEARS that Dr. Cotteril, the Bishop of Grahams-town, is determined, so far as in him lies, to uphold the supremacy of the Episcopal "Court," which condemned the Bishop of Natal, even to the extent of proceeding to the election and consecration of another bishop for the diocese of Natal. "Whatever imperfections," says the Bishop, "there are imagined to be, or really were, in the tribunal which deprived him (Dr. Colenso), it was the only tribunal competent, either on principles of equity, or according to the order of the Church, to pronounce that sentence. We, the bishops of South Africa—for here I know I may speak for every one of my brethren—call upon the Church of England formally and publicly to recognise this deposition, and to declare, not merely that we have the sympathies of Christ's people, in our efforts to maintain His truth—this we cannot doubt—but also that an act, performed according to the laws of the Church, for the maintenance of that truth, is ecclesiastically valid."

If Dr. Cotteril is obstinately bent on playing "viper," we doubt not that he will find the Judicial Committee of the Privy Council, to say nothing of Lord Westbury, a most impracticable "file."

IT IS STATED that the Lord Chancellor has directed Lord Leigh to make an inquiry in the circumstances attending the magisterial scene between Mr. O. Pell and the other justices mentioned lately in our columns.\*

ON THURSDAY, Mr. Willcock, Q.C., having informed Vice-Chancellor Wood that the Lord Chancellor would not sit to-day (Saturday), his Honour said that in that case he should not do so.

WE HAVE to announce the death of the Hon. Robert Parker, Chief Justice of New Brunswick, who died at St. John's, New Brunswick, on the 24th ultimo, in his seventieth year. Mr. Parker went to the colony at a very early age, and after taking his degree at King's College, Windsor, Nova Scotia, was called to the Bar in 1820. In 1828 he was appointed Solicitor-General, and, during part of the administration of the late Sir Howard Douglas, acted as Attorney-General of the province. He was appointed a puisne judge in 1834, and in September last, on the retirement of Sir James Carter, who had also been on the Bench for thirty-one years, he accepted, though with considerable reluctance, the appointment of Chief Justice of the Supreme Court. The labour involved in the sittings of the Court in October brought on a return of illness, under which he gradually sank. He was followed to the grave by nearly 4,000 persons, including the Lieutenant-Governor and members of the Government.

The late Chief Justice was a man of untiring industry, very extensive reading, and of great legal acumen. Few men have ever had a higher reputation on the bench in British North America; while, in his own province, all sects and classes combine in admiring one who deservedly bore the character of an upright judge and Christian gentleman.

IT SEEMS that so far was the rumour concerning the composition of the commission to Jamaica which we mentioned last week † from being correct, that the Jamaica Commissioners are even yet not determined upon.

A correspondent of the *Manchester Guardian* gives the

## The Solicitors' Journal.

LONDON, DECEMBER 23, 1865.

THE Gazette of Tuesday last contained the anticipated announcement that her Majesty has directed letters patent to be made out for elevating the Right Hon. Sir John Romilly, Knt., Master of the Rolls, to the peerage, with the title of Lord Romilly of Barry, in the county of Glamorgan. It is rumoured that in consideration of his immediate elevation to the House of Lords, his friends, including the Premier, have definitively withdrawn his often agitated claims to the woolsack,\* and that his Lordship will continue to preside at the Rolls. We confess that we are glad that it should be so. Lord Romilly has many of the qualifications of a good judge of a court of first instance—rapid in his decisions, ready in his method of dealing with the innumerable details which check the progress of a cause, of undoubted impartiality, and not so liable as, if report speaks truth, other judges of the first resort in the Court of Chancery have been, to be led astray by a leading advocate,—he is nevertheless admittedly wanting in that patient suspense of judgment which is, above all things, necessary in a court of appeal.

The Master of the Rolls is pre-eminently of the statesmanlike, rather than the judicial type; and though, from the nature of the work which belongs to his present office, this defect is in great measure, perhaps entirely, counterbalanced by the valuable qualities we have above enumerated, it would, in our opinion, be fatal to his position when presiding in or sitting as sole judge of a court of appeal.

His Lordship is the second son of the late Sir Samuel Romilly. He was born in 1802, and educated at Trinity College, Cambridge, where he graduated M.A. in 1826. He was called to the bar by the hon. Society of Gray's Inn, in 1827, of which learned society he is now a bencher. He obtained his silk gown in 1843, and was appointed Solicitor-General in April, 1848, Attorney-General in July, 1850, and Master of the Rolls in February, 1851, on the death of Lord Langdale. He sat in the House of Commons from 1832 to 1835 for Bridport. In 1847 he was returned in the Government interest for Devonport, which constituency he continued to represent up to 1852. It was rumoured that he intended to contest Westminster at the last general election, but he did not, in fact offer himself as a candidate.

OUR READERS will find elsewhere in our columns an account of a case at Birkenhead under the new Equitable Jurisdiction Act. We are glad to perceive that the gentleman who had the conduct of the proceedings there avoided the course to which we objected so decidedly in the case at Kidderminster, and took care to have all his evidence in a form which could be preserved. We observe, however, that this was an application by the executrix of a mortgagee for a vesting order as against

\* Of course we need not say that no one supposes that the learned judge has taken any part in this discussion, or has in any way stirred in the matter.—ED. S. J.

following information:—"Great difficulty is found in obtaining the services of competent persons to act on the Jamaica commission. As chancellor of the colony, the new Governor was intended for its presidency. He has, *ex officio*, the power of administering an oath, though it is more than doubtful whether the exercise of this privilege in a *quasi-judicial* capacity, unknown to the law either of the island or of the empire, could be defended on constitutional grounds. It was hoped that at least one individual of practical experience as a common law judge might have been induced to accept the irksome and invidious post as a colleague of the Governor. Sir Lawrence Peel was asked, but declined; and one of the too numerous, because not half-worked occupants of the Irish Bench was also invited ineffectually. There is now talk of endeavouring to persuade one of our subordinate judicial functionaries to fill the gap; and, as money is said to be no object, the point we may take for granted will be speedily settled."

We should be glad to hear that the Government had obtained the services of some distinguished lawyer as legal commissioner, and if no judge or ex-judge can be induced to accept the appointment, we suppose that a fitting man might readily be found amongst the ranks of the county court judges. It is not our place to suggest a name, though two or three occur to us, and we are sure, if the Government only avoid the error into which they fell in the manner of rewarding the Crimean Commissioners (till their misapprehension of the situation was rebuked by Parliament) they will find no difficulty in efficiently filling the gap.

A TELEGRAM from Bonn informs us that Count Eulenberg, who was accused of being concerned in the death of Mr. Ott, has been sentenced to confinement for five months and a-half.

THE CENTRAL CRIMINAL COURT from time to time disappoints those sanguine advocates who, under the belief that they know the course the Court will adopt under given circumstances, advise their clients to plead guilty in the hope that a lenient view will be taken, and a mere formal penalty imposed. We have never been among the number of those who held that a prisoner could in such manner properly make terms with the Court; and on an occasion \* not many months since, when Edward Hammond pleaded guilty, and his counsel suggested he should be discharged on his own recognizances, to come up for judgment when called upon, we referred at length to Mr. Baron Bramwell's strictures on the case.

On Monday the 18th instant, John Potter Serjeant, a surgeon, and John Sutton his assistant, were convicted of having forged the trade-mark of Messrs. John Broadwood & Sons, and affixed it to certain pianos, with the object of increasing the market value of the instruments. In consideration of the prisoners' having made an apology, and having been in custody five weeks, the prosecutor did not press the charge, but the learned recorder sentenced each to two months' hard labour. The prisoner Sutton, on hearing the sentence, complained that he had paid £150 towards the expenses of the prosecution, on the understanding that he should only be bound over to come up for judgment when called upon; and it was only upon that understanding that he had pleaded guilty, for he really was not guilty. On the part of the prosecution the receipt of the money was admitted, but it was alleged that the proposal came from Sutton's solicitor, and that the amount did not nearly cover the costs.

It naturally occurs to us to ask what was the consideration for this £150? Plainly it appears to have been that the prosecution were, in consideration of this money, to suggest to the judge not to pass sentence on Sutton, but to discharge him on his own recognizances to come up for judgment when called on. If such a consideration was held out by the prosecution, the learned recorder treated

the matter lightly when he characterized it as "very improper." Mr. Baron Bramwell's opinion that the prosecutors in a criminal case can have no property in the prosecution to do as they please with it, ought to be widely disseminated, for the benefit of those whom it concerns.

THE Post Magazine of the 9th inst., in an article entitled "Disloyal Generosity," indulges in a virulent attack upon the directors of the Star Life Insurance Society, in consequence of their expressed intention of paying the claim upon the life of George W. Gordon, who was insured in that office.

The principal charge made against them—passing over an absurd allegation that they are encouraging treason—is that they are acting precipitately, "before waiting for the full particulars of the evidence on which the culprit was convicted." We may be allowed to remark that the writer, a little lower down, commits this very fault himself, when, without a tittle of evidence to support his allegation, he states that "the rebellion in the Island of Jamaica has been fostered and brought about by Baptist missionaries," and again notably when he talks of Gordon as a man "who has justly paid the penalty for his crimes on a scaffold;" for we presume that the editor of the Post Magazine is not in possession of any evidence to which the directors of the Star Office have no access.

But this is really perfectly immaterial to the consideration of the question raised by the Post Magazine, and has been improperly imported into the case by that paper, *ad causam*. The true and only question for the directors is—not, "Did Gordon deserve his fate?" but—"Was Gordon duly executed according to law?" However innocent the man may in fact have been who suffers death at the hands of justice; *i.e.*, in pursuance of a sentence of a Court of competent jurisdiction, pronounced in due form after the requisite proceedings; there can be no doubt that all policies of assurance on his life are avoided, and that directors paying the claims would be liable to their shareholders for the amount. On the other hand, however blood-stained the wretch who falls red-handed in the very act of prosecuting his nefarious designs, however just his fate or odious his memory, if he died by the sentence of a tribunal which had no jurisdiction to try him, or no jurisdiction to inflict the sentence of death, or without a trial according to due form of law, or after proceedings in which there was any material irregularity, the enormity and publicity of his crimes would be no defence to an action on the policy. The evidence on which Gordon was condemned, therefore, had nothing to do with the question for the consideration of the directors of the Star Office; if they were satisfied that Gordon was duly tried and convicted, however unjust they might have thought the sentence, they were bound to refuse to pay the claim; if they were convinced that the whole proceeding was *coram non judice*, and that an English jury would, in an action on the policy, probably take the same view, they were, we think, prudent men in offering to pay without suit. Be it recollected that as this Court (the "Court Martial" which tried Gordon) was admittedly an exceptional one, the *maxim omnia presununtur rite esse acta* would not apply to the case, and in the event of an action the onus of proof that Gordon had been "duly" (not "justly") executed would have fallen on the defendants. We confess that this is a burden which we would rather not have to discharge.

THE REPORT, which we mentioned in our last, with reference to Mr. Hill's resignation of the recordership of Birmingham, has been confirmed. The learned gentleman, it appears, finds that the state of his health will not allow of his performing the duties of his office as he thinks requisite. On this subject the *Midland Counties Express* says:—

It is with extreme regret we have to announce that Matthew Davenport Hill, Esq., Q.C., the learned and

respected Recorder of Birmingham, is about to resign the important office he has so long, so honourably, and so ably filled in connection with the administration of justice in this Borough. From a knowledge of his recent illness, the announcement did not take us altogether by surprise; but, when listening, as we had the pleasure, a few weeks ago, to his masterly appeal to the Governors of our Free Grammar School for a reform in that Institution—an appeal so elaborate, so forcible, and we may add so convincing as to remind us of some of his brilliant efforts twenty years ago—we ventured to hope that Birmingham might, for some years to come, have the benefit of his talents, judgment, and advice. That, however, it seems is not to be. Our learned Recorder is, of all men we know, the most sensitive upon the point of duty, and feeling that his health will not at all times enable him to sustain the severity of continuous labour in a Court of Justice, prefers to place his resignation in the hands of the Council. Mr. Hill's services to the borough, since its incorporation—may we not say to the country generally—are so well known that recapitulation would be superfluous; suffice it to say that it has been our good fortune to have had the services of one of the ablest judges and greatest philanthropists of our day. More we have not to add, beyond the expression of the hope that Mr. Recorder Hill may often be able and induced to visit Birmingham, the town in which he is so much at home, and, by his experience and advice, contribute to the advancement of those great schemes with which his name must ever be connected. As to Mr. Hill's successor, several names have already been mentioned, and amongst them, more generally, perhaps, that of Mr. Serjeant O'Brien, of the Midland Circuit Bar. Without detracting from the merits of other candidates, we may say that Mr. O'Brien possesses all the qualifications essential to so important an office. A sound criminal lawyer—a man of much thought and great discretion—courteous to every one, and honourable in the highest degree—the scales of justice would present an even balance in his hands; and from his long connection with the borough, his appointment would, we do not hesitate to say, be the most popular that could be made.

We have every reason to believe that if the learned serjeant named should be selected to fill the vacant office, the appointment would be a popular one, not only in the town, but among the local solicitors and the Midland Circuit Bar, and we do not doubt that he would prove a most able and efficient successor to Mr. Hill. As we are not in possession of the names of any other of the possible candidates for the post, we cannot express any opinion on the comparative merits of the learned gentlemen, and it is unlikely that we would do so even if we could.

#### RESTITUTION IN CASES OF FELONY.

In a singular case tried at Winchester on the 11th inst. Mr. Justice Willes addressed the prisoner in terms which are not often heard from the bench. The circumstances were unusual; the prisoner, Reuben Holes, being indicted under 24 & 25 Vict. c. 96, s. 29, for concealing and destroying, for a fraudulent purpose, his father's will after the testator's death. It appeared that in 1844, the father, by a will, left all his property to the prisoner. In consequence of some misunderstanding between them, the father made another will in 1859, by which he left all his property to his wife and the prosecutor, the prisoner's brother. The testator died soon after; and the legatees under the second will took possession of the house and property, and the widow kept possession of the will, but never proved it. Last May the prisoner gave the widow £2, and obtained possession of the will of 1859, telling her it was useless because not proved. He afterwards took the will of 1844 to the District Registrar's Office at Winchester, and obtained letters of administration, with the will annexed, and turned the widow and the prosecutor out of the property.

Upon these facts being proved, the prisoner withdrew his former plea, and pleaded guilty. Mr. Justice Willes remanded the prisoner to gaol till the next assizes, saying he would then communicate with the presiding

judge, and is reported to have added—"The Court made itself no party to any compromise; but the sentence would depend upon the conduct of the prisoner. The will of 1859 should be produced, but if destroyed, some mode should be adopted to have it proved. He should order the prisoner to remain in custody till the next assizes, and in the meantime he should hear of the result of his penitence."

Assuming the accuracy of the report (which we take from the *Times* and the *Daily News*), it is manifest that if the prisoner chooses to produce the suppressed will, or otherwise make the best reparation in his power, his sentence will be much mitigated. Though the learned judge carefully guarded himself against the notion of a compromise, or any sort of engagement, yet this the prisoner is to understand—"so much penitence, so much shorter imprisonment;" and, remembering that the punishment may be penal servitude for life, it is not unlikely that the prisoner will be extremely penitent in time for the next assizes.

The sincerity of a convict's repentance, however interesting to chaplains and novelists, is of less importance to the law and to our present consideration, than is the general policy of permitting offenders to break the neck of their sufferings by restitution to the persons they have injured. Some of the evils that might result from such a practice, if habitual, lie on the surface, and have been often urged, viz., the encouragement to prosecute even innocent persons who may have the means of reparation in their power, and who would rather suffer in purse than in person, and the vague, ill-defined, but universally recognised calamity, which must be produced by subordinating the majesty of the law to the interests of private parties. On the other hand, the probability of regaining some of the stolen property, or, at least, of recovering some of the heavy expenses of a costly prosecution, will be the means of bringing many a thief to justice, who would otherwise escape because the loser objects to throw good money after bad. How apathetic people are in prosecuting where they have no expectation of recovering their losses, is well known to the police, and is, in fact, the subject of repeated comments by grand juries in connexion with the expenses of witnesses. It is hard, too, for a man to be certain that his plate and jewellery are maintaining the convict's unconvicted accomplices in luxuries, when a well-directed pressure from the judge might succeed in restoring the property to its owner. Who can say how much of the plunder of the City jewellers, which occurred not long ago, might not have found its way back to the despoiled, if years of penal servitude were to depend on it? The principle of allowing convicts to work out their own salvation by extra diligence and good conduct in picking oakum, making public works, and stroking the chaplain down, is established in penal servitude; and if repentance after conviction is to operate as an atonement at all, it is difficult to see why it should not take the shape of restitution to the person who is after all nearly always the victim most heavily punished. "May one be pardoned and retain the offence?" The Legislature recognises the principle so far as to enact (24 & 25 Vict. c. 96, s. 100), with charming simplicity, that where the guilty person is indicted for stealing, &c., by or on behalf of the owner, and convicted, "the property shall be restored to the owner;" but how and where shall the arm of a statute reach the property?

We are far from urging the Levitical law as an authority beyond its expediency, yet, that law was based on this theory, and is not unworthy of examination.

Mr. Justice Willes is not altogether without precedent for the course he took. In *Beoley v. Wingfield*, 11 East. 46, the defendant was indicted at Quarter Sessions by the parish officers for a misdemeanour in ill-treating his parish apprentice, and, after conviction, the chairman suggested to the prisoner that if he agreed to pay forty guineas towards the expenses of the prosecution he would only be imprisoned six months instead of twelve. Ac-

cordingly the prisoner gave a promissory note to one of the parish officers for £42, and was sentenced to six months' imprisonment. The parish officer brought an action on the note, and the defendant sought to avoid payment on the ground that the note given for such a consideration was illegal, but the Court held otherwise, Lord Ellenborough saying that there was nothing contrary to the general principle of law, since the overseers got no pecuniary benefit beyond the expenses incurred, there was no stifling of a public prosecution, nor had the authority of the Court been used for oppression or extortion; but the security of the note given with the sanction of the Court was to be considered *as part of the defendant's punishment suffered in expiation of his offence*, in addition to his imprisonment.

This is a strong case, and Blackstone (4 Com. 363, 364) speaks with disapproval of "the dangerous practice" of allowing the prosecutor to speak with the defendant before judgment is pronounced (where the conviction is for a misdemeanour which principally affects the individual, such as an assault), and if the prosecutor declares himself satisfied, of inflicting only a trivial punishment. *Beeley v. Wingfield* would probably now be upheld, though Lord Denman (in *Keir v. Leeman*, 6 Q. B. 320) says he "always felt some doubt whether the proceeding thereby sanctioned was quite correct," but adds, "the principle, however, on which compromise of offences may be lawful is forcibly laid down with proper limitations." Chief Justice Tindal (in *Keir v. Leeman*, in error, 9 Q. B. 394) says *Beeley v. Wingfield* "does not at all break in upon sound principles. That is a case where the private rights of the injured party are made the subject of agreement, and where, by the previous conviction of the defendant, the rights of the public are also preserved inviolate."

As to private compromises, Lord Denman (6 Q. B. 321) says, "We shall probably be safe in laying it down that the law will permit a compromise of all offences, though made the subject of a criminal prosecution, for which offences the injured party might sue and recover damages in an action; but, if the offence is of a public nature, no agreement can be valid that is founded on the consideration of stifling a prosecution for it;" and Chief Justice Tindal (9 Q. B. 395) says, "We have no doubt that in all offences which involve damages to an injured party, for which he may maintain an action, it is competent for him, notwithstanding they are also of a public nature, to compromise or settle his *private* damage in any way he may think fit." These observations would of course not apply to the present case, and there is a marked distinction between it and *Beeley v. Wingfield*, for that was a misdemeanour and this is a felony; but battering a parish apprentice may seem a greater public scandal than turning an individual out of his property by a sneaking fraud. We think, therefore, that while no general rule can be laid down, Mr. Justice Willes has taken a wise and sagacious course in this instance, which might be usefully adopted in many other cases.

"In the corrupted currents of this world  
Offence's gilded hand may shove by Justice;"

but we should feel safe in leaving such amateur to the discretion of the judges, who are the very last persons likely to encourage prosecutors to stifle a prosecution or make corrupt bargains with felons.

#### THE RIGHT OF EXCLUSIVE TAXATION.

(From the *Standard*.)

A constitutional question of paramount importance is involved in the political crisis which has recently occurred in the colony of Victoria. The strangest misconceptions concerning the nature of constitutional government, and the duties of those in whom its various powers are vested, appears to prevail among a large portion of the colonists as well as in certain quarters at home, where a more correct understanding of constitutional principles might be expected. A great deal of wild and unreason-

able nonsense was uttered by men who ought to have known better, when the House of Lords threw out the Paper Duties Repeal Bill in 1860; and the most extreme and incorrect of the doctrines then asserted in and rejected by the House of Commons, appear to have made their way to Australia, and stimulated the predominant party in the colony of Victoria to measures which put the unreasonableness, illegality, and inconvenience of those doctrines in the clearest possible light. It is well to have extreme views carried out in practice to their utmost logical extent, on a scale and under circumstances which allow of a control over their consequences and a reparation of the mischief they have done, in order to show how unjust and unsound they are. Victoria is now reading us a practical lesson on the logical absurdity and actual mischiefs of certain unconstitutional theories, not altogether unknown amongst ourselves; and we trust that the moral will not be lost upon English statesmen and political philosophers.

The constitution of Victoria is modelled upon that of England, with certain differences necessitated by the social and political circumstances of the colony. It may be generally said that the mutual relation of the two branches of the Legislature is closely analogous to that which they occupy in England. The governor, who represents the royal authority, and is invested with the royal prerogatives, rules through the agency, and by the advice, of ministers, responsible to the Legislature. With this explanation our readers will be able clearly to understand what has recently taken place. It fortunately happens that there is no dispute about the facts; we have only to consider the constitutional law of the case. The Assembly, at the proposal of the ministry of the day, chose to pass a tariff, into whose character we need not particularly inquire, as its merits are wholly beside the question. It was assumed that the Council contained a majority hostile to the changes proposed; and accordingly the Assembly thought fit to tack it to the Appropriation Bill. The Council is prohibited by law as the House of Lords is prevented by a usage which has the force of law, from amending a money bill; and accordingly it had no choice but either to lay aside the Appropriation Bill, or submit to the tack. It chose the former course; and the supplies for the year were thus stopped. Upon this the Government took a course which is confessedly illegal, and which, we venture to affirm, is as unquestionably unconstitutional in spirit. It proceeded to levy the new duties without a law to that effect upon the simple resolution of the Assembly. And, in order to obtain money for the different departments of the administration, it had recourse to a piece of legal chicanery. The Government borrowed money from a bank in which one of its members exercises a controlling influence. The bank brought actions for the money; the Attorney-General confessed judgment; and in this manner the bank was reimbursed for its advances.

There can be no question among those who really understand the nature of constitutional government as to the character of these proceedings. The popular branch of the Legislature has extensive powers, far superior to those either of the executive or the Upper Chamber. But it is not absolute; if it were so the others would have no function and be of no use whatever, and the form of requiring their assent might as well be dispensed with. Now tacking in this way is, from its very nature, an usurpation on the part of the popular branch. It is an attempt to deprive the Upper House of its acknowledged right of rejection; if the latter submitted, its functions would virtually cease; and it is, accordingly, a well-understood constitutional rule that no "tack" shall ever be suffered to pass. Tacking a tariff or other law to a money bill by the Lower House, is precisely as unconstitutional as the amendment of a money bill by the Upper House; and the remedy in either case is the same—namely, the preeminent rejection of the whole measure by the chamber whose rights are invaded. There is, therefore, no manner of doubt that the Assembly was in

to have out the extreme rejected their way party in the un- of those well to to their instances and a order to is now dity and ries, not just that men and that of by the It may the two to that who re- with the by Leg- able ce. It out the law of ministry cter we wholly Council imposed; ask it to by law which has l; and side the those the re- thus which affirm, It pro- effect and, in of the chival- a bank ing in- y; the manner

ly un- as to branch prior to chamber, will have form of with- are, an is an edged cctions well- l ever to a consti- Upper name— measure are, is, was in

the wrong; that the Council had no choice but to refuse to pass the measure presented to it; and that the Ministry, in enforcing the tax, were guilty of a gross abuse of their influence and a grave dereliction of duty. Their subsequent conduct was still worse. The means by which, in such a case, the constitutional rights of the Council are to be vindicated, are precisely those inconveniences arising from the absence of a tariff law, and the want of money for the ordinary purposes of state, which the dead lock involves. The responsibility of those inconveniences rests with the body which has overstepped its constitutional functions, and exerts a moral compulsion by which that body is obliged to retract its indefensible pretensions. The Ministry has removed that moral compulsion, and in so doing has acted unconstitutionally. The chicanery by which it has obtained money for current expenditure, if not legally punishable, might fairly be made the subject of impeachment. And in levying the duties in defiance of law the Ministers and the agents have incurred serious legal liabilities. They have been threatened with legal penalties, and their mode of resisting the actions brought against them involves not merely a grave political error but heinous moral criminality. They have menaced the suitors with every expense and vexation which the bottomless purse of a Government enables it to inflict upon adverse litigants; and further, with an *ex post facto* law to saddle them with the costs of their attempt to enforce their legal rights. King Charles I., in the levy of ship money, was guilty of no graver illegality. And it is the imperative duty of the Imperial Government to rebuke the Colonial Ministry, and protect the colonists against its high-handed violations of law and justice.

The conduct of Sir Charles Darling, as Governor of Victoria, though not open to the same amount of moral censure, appears to us to proceed upon a totally false conception of his position and its duties. He has permitted and countenanced the illegal acts of his Ministers, and almost identified himself with their violent and unconstitutional policy. It is not probable that he approves of their measures; if he did so he would have displayed an ignorance of constitutional law and a want of temper and moderation which would altogether disqualify him for his high office. His previous character renders it much more probable that he is merely passive in the matter; that he allows himself to be a puppet in the hands of the ministers recommended to him by the majority of the Assembly. But if he has done this he has totally misconceived the duties of his office. The governor of a colony in which Parliamentary Government is established, holds subject to, and in delegation of, the Royal authority, precisely the same position which the Crown enjoys in England. He is not to be a partisan, either of a particular faction or of the Ministry of the day. He is to govern through that Ministry—but he is not to abdicate his prerogatives and leave them entirely in the hands of his temporary advisers. It is a great mistake to conceive that a constitutional Sovereign is a mere instrument in the hands of the Minister of the party which happens for a moment to be in power. If it were so government by party would be the most dangerous system by which a country could be ruled. If the prerogatives of the Queen were absolutely at the disposal of her Ministers the majority of the House of Commons for the time being would be a despotic authority. It might, by the aid of the Ministers it had forced upon the Crown, swamp the House of Lords, vote itself perpetual, and abolish the constitution of the country. In fact, no other power would exist but by its sufferance. It is one of the highest and most important duties of the Crown to protect the country against an abuse of power by the dominant party. The Sovereign in England, and her representative in a colony, is entitled, and bound, to hold in check the passions and restrain the encroachments of party. The prerogatives of the Crown are held in trust for the nation, not for a faction; and it is the knowledge that they will not be used to further the law-

less ambition of the rulers of the hour that restrains a party in office from violent abuses of power. In abetting the endeavours of his Ministry to override the constitution, to evade or defy the law, and to wrest from the Council its functions as an independent branch of the legislature, Sir Charles Darling has committed a great political mistake; and that mistake it is the first duty of the Colonial Office to correct and repair.

#### BEAVAN'S REPORTS AND THE COUNCIL OF LAW REPORTING.

Our attention has been called to the following postscript, which Mr. Beavan has appended to the Thirty-Fourth Volume of his Reports, and we consider it only a matter of justice that we should give that gentleman as full an opportunity of making his case known to the public as we can: following the system which we have pursued in other similar cases.

"THE AUTHOR of these reports has heretofore carefully abstained from taking any part in the recent discussions in regard to the changes contemplated in law reporting, and he has neither, directly or indirectly, been party to a line printed on the subject. But he now considers it due to himself and the profession to explain the reasons why he alone of the authorised chancery reporters has declined to accede to the proposals for founding a further set of new reports. For surrendering his office and his forty-two years' copyright, and for sacrificing his independence to become merged in a crowd, he insisted that, for his future services, the amount of his present income derived from his reports should be secured to him. This the Council declined to accede to, and the author at once rejected their absurd proposal of a "salary" of £200 a-year, to be raised to £300 at their pleasure, and secured in some vague manner for three years only. The circumstances will be better judged of by the following correspondence:—

10, Old Buildings, Lincoln's Inn.  
28 July, 1865.

#### Law Reporting.

Dear Beavan.—The Council meet on Tuesday next, to consider and decide upon the arrangements for establishing the proposed Reports in Michaelmas Term. I am anxious to obtain the views of the regular Reporters before the Meeting, in order to lay them before the Council. I venture, therefore, to ask you to favour me with your views as to co-operating with the Council. The matter has, I think, been now so far supported by the Judges, the Bar, and the Profession generally, that there is a reasonable certainty that the Council will be prepared to complete all necessary arrangements without delay, and I need hardly say, that their first object is to secure, as far as practicable, the hearty concurrence of yourself and others in your position.

Yours very truly,

C. Beavan, Esq.

W. T. S. DANIEL.

Lincoln's Inn, 31 July, 1865.

Dear Daniel.—You are very unreasonable in asking me (I presume on behalf of the Council) what my views are, without stating what the Council propose to do, or what is their position in regard to finances. I have received no communication or information from anyone on the subject, and do not even know now whether the £10,000 a-year proposed by article 22 of the scheme, has yet been subscribed, or the guarantee of article 24 has been obtained.

But I will tell you frankly that I will not enter into any speculation in which the payment of my average income as an authorized Reporter is not assured me.

Yours very truly,

W. T. S. DANIEL.

C. BEAVAN.

Mr. Daniel called on Mr. Beavan the next day, and, after an unsatisfactory discussion, Mr. Beavan requested that any further communication should come officially.

3, New Square, August 3, 1865.

Dear Sir,—At a meeting of the Council of Law Reporting,

held the 1st inst., it was resolved, that the proposed reports be commenced as from the 1st day of Michaelmas Term next, and a sub-committee was appointed to make the proper arrangements with the Editors and Reporters, subject to the approval of the Council at a future meeting. The sub-committee consists of the Chairman (Sir Fitzroy Kelly), the Vice-Chairman (Mr. Daniel) and Mr. Greene, with power to add to their numbers.

At the request of the Sub-Committee I wish to ask you whether you are willing to accept a Reportership in the Court of the Master of the Rolls upon the terms of the scheme of the Bar Committee, as applicable to Reporters; I shall be happy to give you any information you may desire with reference to the financial position of the Council.

Requesting the favour of an early reply,

I am, dear Sir,

Yours faithfully,  
Chas. Beavan, Esq. JAMES T. HOPWOOD, Secretary.  
2, Stone Buildings.

Stone-buildings, Lincoln's-inn,  
4 Aug. 1865.

Dear Sir,—In answer to your letter of yesterday, stating that it had been resolved that the proposed New Reports should be commenced in Michaelmas Term next, and asking me, at the request of the Sub-Committee, consisting of Sir Fitzroy Kelly, Mr. Daniel, and Mr. Greene, whether I was willing to accept a Reportership in the Court of the Master of the Rolls upon the terms of the Scheme of the Committee as applicable to Reporters, I have to state, that I altogether decline the proposal.

I consider the offer of £200 per annum, for a three year's speculation, made to one of the oldest members of the Chancery Bar, and the senior authorized Reporter, in return for a year's laborious duty, as a simple insult, and one more fitting to be made to my clerk than to myself.

I have already stated to Mr. Daniel, on his recent application to me, that I will not enter into any speculation unless the payment of my income as an authorized Reporter is assured to me, and to that I still firmly adhere.

Observe! The Committee offer me, Barrister of thirty-five years standing, a contingent income amounting to one-tenth of the salary of a Taxing Master, one-seventh of that of a Chief Clerk, one-sixth of that of a Registrar in Bankruptcy (an office which I have myself declined), and, in truth, a sum which is below the average of the salaries of the tipstaff, ushers, and train-bearers of the Court. Is this what, in the preliminary address of the Council of the 1st of March, 1865, they call the establishment of a set of Reports "upon the basis of a fair regard for existing interests?" Most men would blush in making me such a proposal.

In addition to this, it appears to me that the Committee are neither in a position to commence this great undertaking nor to make me this proposal. I understand from Mr. Daniel that the £10,000, "considered essential" by the 21st article of the scheme, has not yet been subscribed, and that the guarantee of half the Reporters' salaries (£5,000) referred to in article 25, has not been provided. But he states that some arrangements have been entered into with Messrs. Clowes & Co. to undertake the printing and management of the Reports for three years on having one-half the Reporters' salaries guaranteed during that period from some other quarter. He informs me that some steps are being taken for obtaining this guarantee from members of the Profession, but that the attempt was recent. The sums he named as already subscribed appeared to me very trivial compared with the amount required (£5,350 a-year). I have not much confidence in or respect for such a charitable appeal to the Bar, and I have certainly too much self-respect to be dependent on it.

Again, it is publicly stated that the number of subscribers already obtained does not exceed 1,200. This would produce at the end of the year, when received, £6,000, instead of £10,000, "considered essential," and thus, in starting, there would be both a deficiency of £4,000 a-year, and an absence of the requisite guarantee. It appears to me therefore, that the Committee contemplate a serious deviation from the plan they are authorised to carry into effect, and that the result would probably be, that the subscriptions being exhausted or nearly so by the printers, managers, &c., the authors' incomes, already halved, would have again to undergo a similar operation.

I look at the proposed proceeding as a rash, reckless, and unauthorized attempt to establish, without a shilling of

capital, a concern requiring an annual outlay of at least £15,000, the only hope of its success being in the amount of spoil to be acquired from the destruction of existing interests.

I cannot refrain from adding, that it is lamentable to find in print, and to hear in conversation the threat of "annihilation" and similar expressions used in regard to those Authorized Reporters who may not choose to submit to any terms attempted to be imposed upon them. It expresses, no doubt, what is intended, but it shows an ill will, an absence of the usual amenities which ordinarily regulate the intercourse between members of the Bar, and a want of sensibility in inflicting serious loss and injury on members of the same profession.

But my course is plain and decided. I have been an Authorized Reporter twenty-seven years, and have survived the attacks of six new sets of opposition Reports.—I have no fear of the seventh. The only Authorized Reports of the Rolls decisions will therefore be continued to be published as heretofore.

I am, dear Sir, yours faithfully,  
To James T. Hopwood, Esq. C. BEAVAN.

A copy of the foregoing correspondence was, on the same day, laid before the Master of the Rolls, and the substance of his reply is stated *post*.

3, New Square, Lincoln's Inn.

August 7, 1865.

Dear Sir,—I will lay your letter of the 4th inst. before the Sub-Committee. I am sure the Council will regret that a scheme which had your hearty concurrence in its outset, should now receive your bitter opposition. Unfortunately, neither the Sub-Committee nor the Council have the power to sacrifice the interests of the profession to the interests of individuals.

The salary of £200 a-year, which you speak of so contemptuously, you must be aware is a caricature, and not a correct representation; what the Council offered, in your case, would have been £600 a-year, £300 guaranteed.

In the course you have taken I hope you have not acted without due deliberation, as your letter would seem to leave the Council no alternative but to give effect to the wishes of the profession independently of you.

I remain, dear Sir, yours very truly,  
C. Beavan, Esq. JAMES T. HOPWOOD, Secretary.

Stone-buildings, Lincoln's-inn,  
9 August, 1865.

Dear Sir,—In acknowledging the receipt of your last note, I beg to say that it will at all times give me great pleasure to correspond with you, without restraint, as an individual member of the Bar, but, without intending the slightest disrespect, I must request you for the future, when addressing me in your character of Secretary of the Council of Law Reporting, to confine yourself to your legitimate duties. I need not point out to you the inconvenience of forwarding me statements, opinions and criticisms which, though they may be suggested by one of the members of that learned body, do emanate from the Committee, and which they might possibly disavow.

But it is necessary that I should not leave your letter (official or unofficial) unanswered.

In the first place, you assert that the scheme "had my hearty concurrence in its outset." Nothing can be more inaccurate or erroneous than this statement. The very opposite is the truth. I knew nothing of the scheme until it was made public, and from the beginning I strongly objected to it, as far as it affected me, and that, not only to the Chairman Mr. Amphlett, but to many others. I studiously avoided taking any part in the preparation of the scheme (either the former or the present) and also in the discussions respecting it.

You next observe that the Sub-Committee have not "the power to sacrifice the interests of the profession to the interest of individuals." Now as regards myself, it appears to me that the sacrifice is wholly on one side. The profession will gain everything if the project should succeed, while the risk and sacrifice, in the event of its want of success, are mine alone. My office, my personal services, and perhaps the benefit of my great knowledge and long experience, are required; I am asked to give up an honorable independent position, and, in addition, to subject myself to supervision,

dismissal and all sorts of rules and regulations, to which as yet I have been a stranger, and to merge into a mere speculation. Am I unreasonable in requiring my present income to be secured to me? If the Committee or the Council have not the means of paying for that which the speculation requires, the result is, as you say, "unfortunate," but it is inevitable. They cannot have it unless by the violent means suggested, namely, by my "annihilation," or by wresting from me or destroying an office which I have held for the last twenty-seven years.

You say "the salary of £200 a-year which you speak of so contemptuously, you must be aware is a caricature and not a correct representation; what the Council offered in your case would have been £600 a-year, £300 guaranteed." This sentence is ambiguous; but my answer is this:—that I am aware of no such thing. "What the Council offered in my case" appears by your own official letter and the scheme to which it referred. What it would have been I am not in a position to state. But to say that I was offered £600—omitting the fact that no one was responsible and that there were no apparent means of paying it,—omitting the fact that no guarantee had as yet been obtained for one-half that sum, and the important limitation "for three years"—appears to me more accurately to accord with your description of "a caricature and not a correct description."

As to your kind expression of a hope that I have not acted without due deliberation, I return you many thanks. I have not so acted; but in truth such an absurd proposal as that made to me required no deliberation.

What the Council may think right to do, it is not for me or you or Mr. Daniel to anticipate. They will, no doubt, act with prudence and caution, and in a spirit of moderation, and perhaps follow their own programme and act "upon the basis of fair regard to existing interests." To me it is a matter of perfect indifference to what conclusion they may arrive. They have offered me a miserable temporary pittance in return for something more substantial. I have declined it; and there the matter would have rested, but for the unseemly threat of my "annihilation."

After the notes and conversation which passed between me and Mr. Daniel, I thought it right to place our correspondence before the Master of the Rolls without comment. His reply of the 6th of August was such as might be expected from a high-minded gentleman; it conveyed to me the fullest assurances of his support and promises of that exclusive assistance and those exclusive privileges which I, as the Authorized Reporter of his Court, have hitherto enjoyed.

I remain, dear Sir, yours very truly,

To James T. Hopwood, Esq.,  
Secretary of the Council of Law Reporting.

C. BEAVAN.

3, New Square, August 11, 1865.

Dear Sir,—I regret the tone of your letters, as they seem to preclude all hope of a satisfactory arrangement. I would, however, beg to assure you, that you are mistaken in the idea, that either the Council, or any individual Member of it, is actuated by any other motive than that of carrying out what is conceived to be a benefit to the profession, and, as far as they possibly can, the Council desire not to annihilate but to regard existing interests. Hitherto, with your exception, they have found all the gentlemen engaged on the regular Reports in accord with them, and an anxiety to aid in furthering the proposed Reform. That the Reform is necessary is borne out by the fact, that the movement has the support of the Lord Chancellor, several of the Judges (including eight of the Irish and one Scotch Judge), the Attorney-General for England, the Attorney-General for Ireland, and most of the leading Members of both branches of the profession.

With regard to the question of salary, I may perhaps be allowed to call your attention to Clause 13 of the scheme recommended by the Bar Committee.

I remain, dear Sir, yours faithfully,  
JAMES T. HOPWOOD, Secretary.

2, Stone Buildings, 14 Aug. 1865.

Dear Sir,—I duly received your last letter, which, with this, will close our correspondence and enable us both to pass, in a more agreeable manner, the rest of the Long Vacation.

I remain, dear Sir, yours faithfully,  
J. T. Hopwood, Esq., Secretary.

C. BEAVAN.

Three months later the author accidentally discovered, from a passage in the *Law Times* of the 25th of Novem-

ber, that the Council had made some appeal to the judges. On inquiry it appeared that Sir Fitzroy Kelly, as chairman of the council, had addressed a letter to the Master of the Rolls on the subject.

The author has no copy of that letter, but he presumes that it was to the effect of the printed address of the council, which appeared in the *Jurist* of the 11th of November, 1865, the effect of which was substantially to deprive the author of his office. Of the propriety and taste of this course, behind the back of the author, the profession must judge.

The secretary of the Council, at the request of the Master of the Rolls, has this day furnished the author with a copy of His Honour's reply, which important document is as follows:—

14, Hyde Park Terrace, W.,  
2 November, 1865.

Sir,—In answer to your letter of yesterday, I have to express my deep regret that the Council of Law Reporting have not been able to make any arrangement with Mr. Beavan respecting the reporting cases in the Roll's Court. It is now fourteen and a half years since, following the arrangement which I found had been adopted by Lord Langdale, I have supplied to Mr. Beavan copies of my written judgments, and have corrected the notes of those which are taken from my oral delivery, and I have done this, as Lord Langdale did, to the exclusion of every other applicant. I cannot abandon this arrangement unless with the consent of Mr. Beavan. As long as he requires to have the exclusive use of my written judgments, and of my corrections of the notes of the judgments delivered by me orally, I consider myself bound to accede to his wishes. I say this in order that the gentlemen selected by the Council of Law Reporting as Reporters in the Rolls Court, whom I respect highly, and one of whom is a personal friend of mine, may not attribute to any want of courtesy on my part that course of conduct which I consider myself bound to adopt as a matter of justice to Mr. Beavan.

I am Sir, your obedient Servant,  
Sir Fitzroy Kelly, M.P. (Signed) JOHN ROMILLY.  
&c. &c. &c.

The first step towards the author's annihilation having thus signally failed, these, the only authorised reports of the Right Honourable the Master of the Rolls, will be continued to be published as heretofore, with his express sanction and authority.

2, STONE BUILDINGS, LINCOLN'S INN,  
30 November, 1865.

## COURTS.

### NOTICE.

During the Christmas Vacation, 1865, the chambers of the Vice-Chancellor Sir William Page Wood will be open on the following days, viz., 26th, 27th, 28th and 29th December, 1865, and the 2nd, 3rd, 4th, and 5th January, 1866, from eleven till one o'clock.

### COURT OF CHANCERY.

(Before Vice-Chancellor Wood.)

Dec. 18.—*In re Greene's Trusts.*—This case arose out of somewhat curious circumstances connected with the Indian mutiny. Captain and Mrs. Greene, with their only child, an infant daughter, were at Setapore on the breaking out of the mutiny, and it was proved that Captain Greene was killed on the 3rd of June, 1857. Mrs. Greene escaped from Setapore, and a letter was written by her from the jungle, dated the 16th of June. Eventually she was murdered, with several other persons, in the following November. Nothing was heard of the child after she was seen in the arms of a native nurse who escaped with her on the 3rd of June, and no tidings of her being alive or dead had since been obtained. The title to considerable property depended upon the question which of the two, the mother or the child, was the survivor, the property being claimed, on the one hand, by the relatives of Mrs. Greene, and on the other hand (as to half) by the relatives of the Captain, her husband.

Mr. Dickinson, Mr. G. N. Colt, and Mr. W. Druce, appeared in the case.

The VICE-CHANCELLOR decided in favour of the relatives of Mrs. Greene.

## COURT OF QUEEN'S BENCH.

The further hearing of the case of *Hill v. Finney* stands adjourned till the 12th of January.

## COURT OF COMMON PLEAS.

(Sittings at Nisi Prius, at Guildhall, before the Lord Chief Justice and Special Juries.)

Dec. 16.—*Harper v. Lay*.—Mr. Hawkins, Q.C., and Mr. Joyce, were counsel for the plaintiff; and Mr. Denman, Q.C., and Mr. Philbrick, for the defendant.

The plaintiff is a widow lady who had purchased certain property from the defendant, James Lay, an attorney, and she now sued him for misrepresenting the value of such property, and the nature of the title. There were several counts in the declaration. Among others, one on an alleged agreement to re-purchase the house in question from the plaintiff.

Mrs. Harper said that the defendant had induced her to buy this house, and represented that it was a good investment, and had also agreed to re-purchase it from her. And at the conclusion of her case an arrangement was entered into by which the defendant agreed to take the property in question off the plaintiff's hands on certain terms, and a juror was withdrawn accordingly.

Mr. Denman, in addressing the Lord Chief Justice, said that the course now adopted was one which he had advised hours and hours ago. Mr. Lay believed firmly that Mrs. Harper had been mistaken, but he felt that his character might suffer, though undeservedly, from the mere ventilation of such a question. Mr. Lay, added the learned counsel, having been for many years connected respectfully with the legal profession, and all imputations of fraud having been withdrawn, I think that I am justified in consenting to the arrangement agreed upon.

THE LORD CHIEF JUSTICE.—I am as firmly convinced as I am of my own existence that this is a wise settlement of this case, and if you, Mr. Denman, want any expression of my views on your conduct, I have no hesitation in saying that your client is most fortunate in having had you to advise him so admirably. A juror was then withdrawn.

## COURT OF BANKRUPTCY.

(Before Mr. Commissioner GOULBURN.)

Dec. 21.—*In re Charles Preston*.—Mr. Charles Preston was an attorney and notary public, carrying on his business at 63, Great Tower-street, and he now applied, by adjournment, to pass his last examination and for an order of discharge.

Mr. Sargood appeared for the assignees; Mr. Brough for creditors; and Mr. Reed for the bankrupt.

This case was last before the Court on the 2nd November, when the bankrupt was ordered, upon the application of creditors, to file a cash account for the twelve months preceding the date of the bankruptcy, and a deficiency account. From the statements, which have been since rendered, it would appear that in August, 1864, the bankrupt was deficient to the extent of £3,590. This amount arose substantially from losses in 1859, during which year a call of £1,750 was made upon the bankrupt, as a shareholder, on the winding-up of the Hull and London Life and Fire Insurance Company, which he compromised for £1,478; in the same year a loss of £700, by the bankruptcy of a client, and a further loss of £1,070 by his late partner, Mr. W. R. Turner.

The bankrupt states that more than two-thirds of his liabilities were incurred between 1859 and 1862, and owing to the inadequacy of his income during his recent partnership with Mr. Ley, his liabilities had increased. The debts secured and unsecured are returned by Mr. Preston at £4,520, with assets: debts estimated to be good, £478; property given up to assignees, £230; and property in the hands of creditors, £456.

The bankrupt passed his examination, and the Court adjourned the consideration of the order of discharge.

(Before Mr. Commissioner GOULBURN.)

Dec. 21.—*In re D. P. Neale*.—This was an adjourned sitting for examination and discharge under the bankruptcy of Mr. Dorset Palmer Neale, of 28, Canterbury-row, Kensington-road, end of the Police-court-passage, Kensington-road, solicitor. The bankrupt appeared before the Court upon his own petition, his solicitor for that purpose being Mr. J. Terry, of King-street, Cheapside, and at the first sitting Mr. Hiram Coseedge was chosen creditors' assignee. A statement of accounts, filed with the proceedings, returns

creditors unsecured, £561, and good debts, £20; debts doubtful, £434; and property given up to assignees, consisting of household and other furniture and assets, £26. On the 13th July last the matter came before the Court upon the bankrupt's application to pass his examination, when it appearing that he had not complied with the former order by producing his books and accounts, the further hearing was adjourned *sine die*, with liberty to apply. On the 25th ult. the bankrupt filed a very voluminous account of his receipts and payments, together with a number of books used in his business. He attributed his difficulties to the fact of an action being brought against him by Mr. Coseedge, his late clerk, and heavy domestic and business expenses.

Mr. Reed and Mr. Brough were counsel for the assignees, and Mr. Sargood for the bankrupt.

Upon the application of the assignees, and by the consent of the bankrupt, an order of discharge was granted, conditionally on the bankrupt paying into court a sum of £34 10s. to meet the claims of creditors to be paid in full, and £25 per quarter until such of the debts as were proved had been discharged by payment of a composition of 6s. 8d. in the pound.

## BIRKENHEAD COUNTY COURT.

(Before Mr. J. W. HARDEN, County Court Judge.)

Dec. 12.—*In the matter of Sarah Williams, deceased—Equitable jurisdiction*.—This is the first case which has been brought into this court under the Act of Parliament of last session, and was a petition under section 19 of the Trustee Act, 1850, on behalf of the executrix of a deceased mortgagee in fee, who had died intestate as to realty without a known heir, for an order to vest in her the outstanding legal estate, subject to the equity of redemption.

Mr. Dearden (solicitor), for the petitioner, relied on *Re Boden*, 1 D. M. G., and the late case in the County Court at Kidderminster.

The JUDGE—after reading the petition, the affidavit of the petitioner and of her solicitor, the mortgage deed, and the probate will of the deceased, and upon the production of the documentary evidence—at once made the order as prayed, and in doing so remarked how forcibly the case, involving only a sum of £120, illustrated the necessity and importance of an equitable jurisdiction being conferred on county courts.\*

## ASSIZE INTELLIGENCE.

## NORTHERN CIRCUIT.

## LIVERPOOL.

(Before Mr. Baron PIGOTT.)

Dec. 18.—*Reg. v. John Healey and Thomas Walton—The Wigan Murder*.—The prisoners were arraigned for the murder of James Barton, at the Button Pit Colliery, Haigh, near Wigan, on the 2nd January, 1863. Healey pleaded guilty.

Baron PIGOTT.—Do you mean that you wilfully, and of your malice aforethought, took part in the murder of this man, or do you mean to say that you are not guilty?

The Prisoner.—I am guilty as the child when born, but before baptism.

The plea seemed rather to puzzle the Court, but it was recorded.

Walton pleaded not guilty.

Mr. Aspinall, Q.C., who appeared for the prosecution, wished to make an application to his lordship to postpone the trial. The learned judge had no doubt carefully read the depositions, and was aware that, as regarded the prisoner Walton, one material statement made by him related to a watch which he said had been thrown at a particular point into the canal, the point being described with some minuteness. After great consideration, his learned friend and himself had come the conclusion that it would in any event hardly be satisfactory to have Walton tried, and a verdict taken, upon such evidence as that before the Court unless something had been done to ascertain the truth of that statement. They had made inquiries, and though no doubt it would involve very considerable time, expense, and interfere with traffic, it was yet possible to have the canal emptied at that point, and to ascertain whether or not the watch was there; for although the act took place some two years ago, there was no reason to suppose that any change could in this time have taken

\* A somewhat inconsequent observation, unless he had previously shown that the procedure there was cheaper than it would have been in Chancery, which has yet to be proved.—ED. S. J.

place which would prevent the possibility of its being found.

After some discussion and explanation, his Lordship asked the prisoners if they had any objection to the trial being postponed to the next assizes, as the discovery of the watch might have the effect of putting the guilt of the murder upon the right shoulders. Walton declared that he had no knowledge whatever of the affair except what he had read in the papers; that if he had made a statement of his participation in the crime, there was no truth in it; and that on the night when the murder was perpetrated he was two or three miles away. Healey having offered no objection to the postponement, his Lordship said he would postpone the trial until the next March assizes.

(Before Mr. Baron MARTIN.)

Dec. 20.—In the course of the day Mr. Baron Martin again spoke of the impracticability of holding a complete winter assize for the southern division of the county of Lancaster. He said that if the cause list were not gone through by Christmas day, he should certainly come down and finish it, if only for the purpose of showing the impracticability of holding a complete assize at this period of the year. It was impossible to hold a perfect and complete assize for the southern division of the county a fortnight before Christmas. In fact they had an assize for the Hundred of West Derby occupying two judges three weeks.

Mr. Brett said he had always been of his lordship's opinion. He could not conceive what good the present arrangement did to anybody. He did not believe there were four of the causes in the present list that could not perfectly well have waited till March. The matter then dropped.

## GENERAL CORRESPONDENCE.

### HUSBAND'S LIABILITY TO WIFE'S DEBTS.—HARRISON v. GRADY.

Sir,—It is creditable to the profession and to your Journal, that the judgment of the full Court in this case should not have escaped attention. In the course of the trial Mr. Justice Byles, the presiding judge, remarked to counsel that the law (meaning the law referable to husband and wife) was in rather an unsettled state in the *Common Pleas*; it may now be well asked, has *Harrison v. Grady* settled it? verily and indeed not, and every member of the bar that I have conversed with on the subject says "not." The complaint your correspondent "G. F. C." makes, as to the judge tying down the parties not to appeal to the Exchequer Chamber, applies to *Harrison v. Grady*. No assent was expressed by the defendant, who was in court at the time, or by his counsel or attorney, to this judicial stipulation, it was the *sic volo* of the judge, and when the hour came he applied the *sic iubeo* by informing Mr. Russel, who spoke of recourse to the Exchequer Chamber on the part of the defendant, that he was precluded by the terms he (the judge) imposed, when he gave leave to move. This grievous infliction was, therefore, equally imposed upon your correspondent's client, the plaintiff in *Jolly v. Rees*, and on Mr. Grady, the defendant in *Harrison v. Grady*. I have before me the transcript of the shorthand writer's note of the trial and of the judgment of the full Court in *Harrison v. Grady*, and I say that no lawyer, after a perusal and consideration of these transcripts, would hesitate to declare that a case exhibiting less regard of law, and even of common sense, has rarely been floated through Westminster-hall. It would be improvidently pressing upon your valuable space to go at any length into the evidence given at the trial, or to examine in detail the phraseology of the judgment of the full Court. The substance of the judgment, as far as it intrinsically related to the two salient points in *Harrison v. Grady*, is given by your correspondent, but he ought to know that in the judgment is an exposition of much of the judgment in *Jolly v. Rees*, defending and clarifying the legal principles (such as they are) in that judgment, and which, though not coming exactly within the principle of the society for the diffusion of useful knowledge, may be some consolation to him to peruse. It may be desirable for legal gentlemen to know that in sustaining the defence in this action, although the facts—that the plaintiff was acting as the next friend of Mrs. Grady in a chancery suit against Mr. Grady, had been appointed by the decree in that suit the receiver of Mrs. Grady's separate income, and, as such receiver, had, by himself

or his attorney, received her separate income for three-quarters of the year 1862, and for the whole years 1863 and 1864, amounting to a sum of from £270 to £300, and that Mrs. Grady swore that during the period she was living with Mr. Grady (up to September, 1864) she never received it—were made as clear as noon-day, yet they availed as nothing for the defence; in other words, the receiver, with a large amount of the wife's separate income in his or his attorney's pocket, was considered to have a legal right to bring this action against the husband and recover. But it may be said that the questions, as put by the judge at the trial, involved matters of "credit" and "necessaries." With regard to "credit," it was shown that the credit was given to the wife by the plaintiff, being an entire stranger to the defendant, having only once, during all the years of attendance, seen the defendant, and by the payment of the plaintiff's bills having been paid by the wife personally out of her separate estate, the last payment having been made to the plaintiff at a meeting of the plaintiff, the wife, and the defendant, when the defendant gave the plaintiff notice of his never having employed him, and handed his wife a cheque, payable to her order, which she indorsed and handed to the plaintiff, who gave her a receipt as for money received on her account. The judge, in his summing up to the jury, in reference to this, says—"The result is, that for 1856, 1857, 1858, 1859, 1860, and 1861, the money has been paid out of her separate estate." With regard to the necessaries, it was shown by the plaintiff's own evidence that he was the receiver of his wife's separate estate from Lady-day, 1862, and was in receipt of the income from that time, and that his attorney knew the amount. Where, then, it may be asked, was the "necessity" which made the plaintiff's claim such a claim for necessaries as in law or justice he ought to be permitted to come into court and sue the husband for? The difficulty of this so stared in the face of the Court, that in the judgment the very important principles involved in the question of "necessaries" and "receipts" are summarily dismissed—almost disparaged. "The question," says the judgment, "whether the things supplied were necessaries suitable to the estate and degree of the husband is a question tending to confusion even in the way the question was put in *Jolly v. Rees*, &c."

I cannot pretend to know what were the feelings of the two learned editors of "Smith's Leading Cases," 4th edition, on hearing the above, and calling to mind the paragraph in vol. 2, p. 363, as to "necessaries" and "necessity," and the legal application of those terms as indicating what is the nature of the husband's liability in regard to the wife's necessity or want of necessaries; but of this there can be no doubt, that, taking all the circumstances, and looking at the actors in *Harrison v. Grady*, the result of that case is a violation of the principles of law and justice laid down in reference to husband and wife in that able and learned work, and is also opposed to the *dictum* of the learned Chief Justice of the Court of Queen's Bench in the recent case of *Morgan v. Chetwynd*, "that if the wife has a sufficient income or sufficient allowance, the mere fact that the husband sees and approves of articles does not prove that he has given any authority to pledge his credit for them." 4 Fos. & Fin. N. P. R. 453.

I will conclude by repeating what an eminent solicitor said to me on a perusal and consideration of the cases, *Jolly v. Rees* and *Harrison v. Grady*, that he looked upon the best of defences as a forlorn hope if attempted to be sustained against the presiding judge, who takes up the notion (doubtless with the purest and best of intentions) that the case should be settled out of court.

S. G.

Temple, Dec. 7.

[We regret that our want of space compelled us to hold over this letter, which we received shortly after its date.—*Ed. S. J.*]

### COUNTY COURT (EQUITY) COSTS.

Sir,—In the authorized "scale of costs and charges to be paid to counsel and attorneys in the county courts, under the provisions of the statute 28 & 29 Vict. cap. 99," occurs the item:—"Drawing abstracts of additional deeds and documents, per three sheets, six shilling and eightpence," under both the lower and higher scales of costs. This was a startling innovation upon the ordinary conveyancing item of six and eightpence *per sheet*, and I am glad to find that, upon representation being made in the proper quarter, an order has been issued to the county court registrars (who are the

taxing masters in the county courts) directing them to allow six shillings and eightpence per sheet for drawing abstracts, &c., in future.

JOHN MILLER.

Bristol, Dec. 19.

MR. WEBSTER, Q.C., AND SHORTHAND WRITERS.

Sir.—At a meeting of the Department of Jurisprudence and the Amendment of the Law, held on the 27th of November last, Mr. Webster, Q.C., F.R.S., read a paper on "The Palace of Justice. The site, approaches, and arrangements of the courts and offices of judicature," in which I find the following passage:—"The time is not far distant when we may have the transcript of the notes of one shorthand writer, practising one authorised system of shorthand, instead of two or three sets of notes of one and the same proceedings. The security which such a system would afford is immeasurably beyond that at present existing." I have, I confess, after many years' experience, come to a diametrically opposite conclusion; because I know that two shorthand writers, writing different systems, act as a very wholesome check upon each other. The paper proceeds thus: "And, by a proper division of labour, the transcript of the notes might be ready within a short period of their being taken, and during the progress of the cause to which they relate;" indeed, looking to what is done in the daily press, I see no reason why the proceedings of the day should not be printed, and in the hands of the parties the evening of each day, so as to admit of any necessary correction when the matters are fresh in the recollection of all parties." I gather from the whole passage that Mr. Webster thinks the rapidity of transcription and printing, which characterizes the action of the daily press, might be secured by the adoption of "one authorised system of shorthand," and "a proper division of labour." As I happen to be in the secret, I may state at once, as to the first branch, that scarcely any two men, on all the daily papers, write the same system of shorthand, and some do not write shorthand at all; but merely what is styled an abbreviated longhand. Whether the adoption of such a mode of procedure would conduce to verbal accuracy—an all-important element—needs no prophet to foretell. Beside, assuming it to be desirable, who shall decide upon the "one authorised system?" Those who are in the daily habit of following their vocation as stenographers know that accuracy, the one thing needful, does not depend upon the system but upon the *practitioner*. Two men constantly sit elbow to elbow writing the same system; the one takes a good note, the other does not; and the same thing will, in all human probability, continue till the end of time.

Touching the second branch, the "proper division of labour," let me say that there now exists no difficulty in the way of as rapid publication as Mr. Webster desires, except that which many of us have too frequently to encounter; namely—expense. When this is no object, only let the needful be found, and it will be demonstrated that shorthand writers, as has been said of engineers, "can do anything!"

When the learned author says—"It is high time the present system was reformed, and a better system adopted," all men will heartily concur with him. Indeed, the foregoing sentence only expresses what has long been felt, and has recently been practically grappled with by the foundation of the Institute of Shorthand Writers, which proposes to subject all its members, after the 1st of January next, to certain tests, stenographic and educational, as a condition precedent to membership. Thus, in the future, there can never recur that monstrous absurdity which shorthand writers—and they only—know existed a few years ago, of a man doing the largest business as a shorthand writer, who would have given his ears to have been able to take a note and make a transcript; who was always accompanied by a clerk, and when requested by honourable members on Committees of the House to read his notes, managed to evade detection by saying "My assistant will do so." I am aware of the maxim—*De mortuis nil nisi bonum*; and only refer thus briefly to a single example to prove that a reform, such as the institute is calculated to effect, is, as Mr. Webster rightly assumes, much needed.

I have been induced to trouble you with this communication because I am thoroughly persuaded that Mr. Webster sincerely desires improvement, and in order that his highly-valued efforts may be rightly directed, and his energies not wasted, I have endeavoured practically and succinctly, though feebly, to deal with a subject to which public

attention has been directed, in treating which I have the experience of many years to serve me as my "guide, philosopher, and friend."

T. E. WILMOT KNIGHT.

COMPLETION OF RAILWAY PURCHASES—MESSRS. BIRCHAM & CO.'S SYSTEM.

Sir,—If you agree with me that this system should be known to the profession at large, you have only kindly to publish the subjoined correspondence in your columns. I will merely trouble you with the following observations respecting it:—

1. Both Messrs. Bircham & Co.'s clerk and myself treated the purchase-money, interest, and costs as a whole, viz., as the sum for which I was to deliver up the purchaser's conveyance. And hence it was no settlement took place.

2. The real spring of the system is, of course, that Messrs. Bircham & Co. get the vendor's solicitor down to Westminster to attend the completion under the belief that the cash account, as previously delivered, is satisfactory and acquiesced in. And when they have him there, keep him waiting while "they perform their duty" to the purchasers! thus slightly putting the cart before the horse. On pointing this blot out, I was assured that it was Mr. Dalrymple's invariable system.

3. Surely solicitors should be prepared for this treatment, and probably they would like to know before delivering their costs, that they may at all events charge a "liberal remuneration" for attending settlement at Westminster.

Staple-inn, Dec. 28.

CHAS. MALLAM.

" 46, Parliament-street, Westminster, Dec. 15, 1865.

" Kensington and Richmond Railway—Mallam's Trustees.

" Dear Sir,—We are ready to complete this purchase, and beg to appoint to-morrow at twelve o'clock, or Monday at the same hour, whichever may be most convenient for you to attend here for the purpose [!!!].

" Interest will run from the 23rd of August, when the money was deposited in the Union Bank. We make the amount £9 6s. 11d. up to to-morrow, after deducting income tax.

" BIRCHAM & CO.

" C. Mallam, Esq., Staple-inn."

" R. F. Dalrymple, Esq.,

" Messrs. Bircham & Co., 46, Parliament-street, S.W.

" 1, Staple-inn, London, W.C., Dec. 16, 1865.

" Kensington and Richmond Railway—Mallam's Trustees.

" Dear Sir,—I have just returned from your offices, having attended there to settle this purchase agreeably to your firm's letter of yesterday's date. Being prepared to accept the £9 6s. 11d. offered therein for interest, I concluded there was no question between us. Nevertheless that my personal attendance was necessary in order to receive the purchase-money under the vendor's authority. Accordingly, although unwell, and although, strictly speaking, the settlement should have taken place at my own office, I proceeded to Westminster to yours. Contrary, however, to my just expectation, I was first met with an objection of £3 odd in my bill of costs. As the objection depended upon a question of principle about which there might fairly be two opinions, I agreed to halve the deduction; and your conveyancing clerk left me for the purpose, as he said, of asking Mr. Dalrymple's concurrence. At the end of more than half-an-hour he returned, apologised for the delay, and stated that your Mr. Hoskyns had been occupied taking my costs in hand, and he was sorry to say that he (Mr. Hoskyns) required a deduction of some £16 odd; therefore, unless such deduction was submitted to, the purchase could not be completed, for my costs must be taxed! Accordingly, therefore, the purchase was not completed.

" I have been admitted now for upwards of nineteen years, and during my career I can safely say that I never heard of a parallel case to this. Certainly I never experienced the like. The vendor's solicitor brought down to a settlement at the purchasers' solicitors' office—the cash account previously delivered, admitted; then objected to, to the extent of £3 odd; then the solicitor kept waiting whilst a new hand entered into same afresh, and returned it cut down some £16 odd; and finally dismissed—nothing done! Entailing upon me a full two hours' loss, let alone the ignominious treatment—on a Saturday of all days. I am bound to say that I received to-day the same courtesy at your conveyancing clerk's hands as he has invariably shown me in the business

from first to last. I address this letter to you rather than your firm, because I understand that on you personally devolves the whole direction and control of these railway purchases; and—failing an assurance from you that after this gross instance of the business-working of your system the same shall be immediately changed for the better—I shall offer the correspondence between us to the Editor of the *Solicitors' Journal* for publication as a warning to the profession generally of what they will meet with at your hands.

"CHAS. MALLAM."

"46, Parliament-street, Westminster,  
"19th December, 1865.

"Kensington and Richmond Railway—Mallam's Trustees.

"Dear Sir,—I am in receipt of your letter of Saturday's date. I regret that you should have attended here fruitlessly, but you need not have done so; there was nothing to prevent the purchase being settled. We were ready to have completed it, and my clerk told you that we were. Certainly the non-adjustment of your costs need not have delayed that being done. I am obliged by your having attended at our office. In these railway purchases we usually request vendors' solicitors to make the settlements here, and we rarely find objection made to do so.

"When it is otherwise we are, of course, ready to attend them, but the departure from the ordinary rule is, perhaps, warranted by the fact that the vendor's solicitor is paid by the company for his attendance, and we are always glad to make such payment—liberally remunerate his courtesy in coming. With respect to your bill of costs it will be seen in the result whether an improper deduction has been required at your hands. If such should be the case, I shall readily express my regret at any unnecessary trouble which may have been occasioned you. If it should not be the case, it will probably occur to you that our duty to our clients would not have been performed had we required less.

"You will, I trust, excuse me from discussing with you the arrangements of our office, or even from undertaking to modify them.

"ROBT. F. DALRYMPLE.

"C. Mallam, Esq., Staple-inn."

#### THE MASTERS' OFFICES.

Sir,—At the commencement of last term you called attention in your columns to the inconvenient state of the building formerly occupied by the "Masters," the first floor of which is now occupied by some of the registrars of the Court of Chancery. The inconvenience arose from the repairs going on, and the consequent noisy, damp, unhealthy, and ill-lighted condition of the rooms and passages. Can you do anything by calling further attention to the state of the building (which is as bad as in November), and so give the profession, who have business there, an opportunity of asking for a respectable and well-ventilated place in which to transact it?

How the registrars and their subordinates have outlived the vile abominations of damp walls and unwholesome smells, or what they have done in the matter, is a mystery; but I cannot believe that Lord Cranworth, if he knew the conditions under which solicitors are called upon to settle drafts and to pass orders, he would suffer the inconvenience to continue any longer.

CHANCERY LANE.

#### PARTURIUNT MONTES, NASCITUR MUS.

Sir,—In common with the members of the legal profession you have, doubtless, for the last few weeks been anticipating the issue of orders under the Act 28 Vict. c. 45, authorising payment of fees in the common law offices by stamps, instead of, as heretofore, in cash.

On the 20th inst. they were published in the *London Gazette*, and as a specimen of inconsistency and inoperativeness are perhaps unequalled in the legal history of this or any other country. I was taught, in my early days, to believe that the affairs of this world in time duplicate themselves. Let me in charity express a fervent hope that the time may be far, very far, distant ere such orders as those just issued are repeated, for most assuredly they are not the duplicates of the orders of a preceding century, but are *original* in every sense of the word.

It was generally believed that the Act 28 Vict. c. 45, was to simplify proceedings in the common law offices, and expedite the business transacted therat, but a consideration of the orders will speedily disabuse the mind of every practi-

tioner of every thought pointing in that direction. The Act authorizes the Commissioners of the Treasury, with the concurrence of the chiefs of the three courts in common law, to make rules regulating the use of the stamps, prescribing the application thereof to documents, and for ensuring the proper cancellation of adhesive stamps.

By Order I. it is directed that (with certain exceptions) the stamps shall be affixed on to the *vellum, parchment, or paper*, on which the proceeding in respect whereof such fees are payable, are written or printed. The exceptions are contained in a schedule to Order 7 to which I shall hereafter refer.

Order II. directs that where a fee is payable in respect of a matter to be done it shall not have been customary to use a document the stamp shall be affixed to a *preceipe* or short note.

Order III. directs that all stamps presented to any of the officers of the courts are, *before the act is done or permitted to be done, in respect of which a fee is payable*, to be obliterated by a hand stamp; but provision is made by Order IV. that if cancelled without having been legitimately used, the officer is to give a certificate that the stamps are fit subjects for allowance, and the Board of Inland Revenue are, on presentation of such certificates, to allow the amount thereof.

The effect of this order will be either a serious retarding of the business transacted in common law by the officer's first perusing all the documents necessary to perfect an act to be done before he cancels the stamp, or a frequent cancellation in error, with the attendant certificates and subsequent allowances, to the great annoyance and inconvenience of the profession. Hand stamp for cancellation will likewise be a fruitful cause of delay at the judges' chambers, even if the clerks there can, by possibility in the multiplicity and hurry of their business, when a judge is in attendance, make them available in substitution for a MS. cancellation.

Order V. refers simply to the sale of the stamps.

Order VI. directs an annual account to be returned by the several officers of the courts and clerks to the judges of the number and denomination of stamps cancelled in the respective offices.

Order VII. directs that the stamps used under the Act shall be affixed to the documents mentioned in the schedule to this Act; some on to the document filed, some on to the document delivered to the suitors, and some on to the master's books, a bit of circumlocution of which Mr. Dickens will doubtless avail himself when illustrating a "Bleak House" in common law. It is the schedule to this Order which forms the exception to Order I., and advantage seems to have been taken of the enumeration of documents whereon stamps are to be affixed for effecting a change in the material on which appearances are in future to be written or printed—I assume, on the supposition that adhesive stamps could not be affixed to parchment; and yet, O glorious inconsistency, the *bail-piece*, of the same size and material as the old appearance-pieces, is in this same schedule enumerated as a document on which the stamp is to be affixed; and, although not enumerated, registers of judgments, of memorandums, of annuities, certificates of acknowledgment, &c., are to have stamps affixed thereto in payment of fees on filing, notwithstanding the fact of their being written or printed on parchment. The change from parchment to linen paper (linen-backed paper, I suppose, is meant as linen paper; I take it is but a superior kind of writing paper) seems to have been made solely for the sake of change, and of evincing to the legal world to what minute subjects great minds are able to descend; and finally,

Order VIII. directs books to be kept wherein the causes in the different courts are to be entered, and against which entries adhesive stamps are from time to time to be affixed, and to be cancelled immediately after being placed thereon.

As a *résumé*, I hesitate not to express any opinion that the use of stamps for payment of fees in common law, as detailed in the new orders, will be most cumbersome and inconvenient to the profession, and the cause of much loss of time in transacting business at the common law offices and chambers. It must be a matter of deep regret that a system of payment of fees by stamps has not been defined as simple as a payment of fees in cash, and one can only express surprise that the Council of the Law Institution, as the exponents of the ideas of the profession at large, had not been invited to prepare and submit to the profession, for their approval, such rules as would have been clear of the inconsistency and cumbersome mode of opera-

tion I have pointed out, and capable of being put into force with ease to the profession, without material addition to the duties of the several officers, and with advantage to the suitors.

HANS LOPE.

### IRELAND.

#### THE FENIAN TRIALS.

It appears from the subjoined correspondence, which appeared in the *Freeman's Journal* last Saturday, that the public have narrowly escaped a "sensation" in connection with these trials.

The correspondents are Richard Dowse, Esq., Q.C., a gentleman not remarkable for his "mealy-mouthedness," who was one of the counsel for Thomas Clarke Luby, and who, in the course of his speech on that occasion, took occasion to make some remarks of a very disparaging nature relative to the conduct of the Pope's Irish Volunteers (we will not call them by the honoured name of the "Irish Brigade") at Spoleto, and Mr. Michael T. Crean, also, we believe, a barrister, who held, we are informed, a captain's commission in that distinguished corps:—

"MR. DOWSE AND THE PAPAL BRIGADE.

54, Stephen's-green East, Dec. 9.

"Dear Sir,—In the *Nation* of this morning you are reported to have made a statement in reference to the conduct of the Irish Brigade in Italy, which I, as one of those whose honour is affected by it, feel bound to notice. The report is as follows:—'The Irish bishops,' said Mr. Dowse, 'raised a brigade to fight for the Pope, and they were at Spoleto. They shed no blood there,' said Mr. Dowse, 'because they ran away.' This is a base calumny already refuted, and I am sorry that you who are regarded—and I believe deservedly so—as a man of a just and honourable nature, should have so slandered body of your own countrymen who, in the very engagements to which you alluded, won from the Piedmontese general the name of 'brave soldiers and honourable men.' Your approval or disapproval of the enterprise in which the Irish Brigade was embarked has nothing to do with this question. I simply claim now a public retraction of a statement publicly made—I have no doubt without reflection—but which I cannot forbear to characterize as a falsehood and a calumny.—I beg to remain, dear sir, faithfully yours,

"R. Dowse Esq."

"MICHAEL T. CREAN.

54, Mountjoy-square, Dec. 12.

"Dear Sir,—I am in receipt of your letter of the 9th inst., and in reply beg to say that I altogether deny the right of any man to call me to account for a statement made by me in the discharge of my duty to my client. The duty of an advocate is sufficiently arduous without having to answer for every statement made by him in the progress of a cause. To you personally I wish to extend every courtesy to which you are fairly entitled; I may be allowed, however, to add, that by your use of the words falsehood and calumny in connection with this matter, you completely put it out of my power to enter any further into the question, even if I were inclined to do so.—I am, dear sir, faithfully yours,

"Michael T. Crean, Esq."

"R. DOWSE.

54, Stephen's-green East, Dec. 13.

"Dear Sir,—I beg to acknowledge the receipt of your letter of the 12th instant, and regret that you cannot see the propriety of retracting the statement to which I referred in my last letter. Under these circumstances I am compelled to reiterate that it is a falsehood and a calumny. In asking from you that which I believe I and others are entitled to, and what I expected you as an honourable man would freely accord, I did not mean to narrow the scope of privilege which, as an advocate, you had a right to exercise. Privilege, however, allow me to remind you, may degenerate into licence; and it is to me a new doctrine that an advocate, in the discharge of his duty, should enjoy immunity to outrage the feelings, and slander the honour of his fellow-men. I was quite ready to believe that the words attributed to you were spoken without reflection. As, however, you deem it proper to adopt and abide by them, it becomes my unpleasant duty to tell you that they are wholly and utterly false. Unless you reconsider this matter, and make the retraction I have asked for within a reasonable time, I shall feel bound, in justice to myself, to make this correspondence public.—I remain, dear sir, faithfully yours,

"R. Dowse, Esq."

"MICHAEL T. CREAN.

"Mountjoy-square, Wednesday Evening.

"Dear Sir,—I have just received your letter. I have nothing to add to what I have already written to you. As you are evidently desirous of seeing yourself in print I lose no time in sending you my reply.—Yours very faithfully,

"M. T. Crean, Esq."

"R. DOWSE.

#### THE FENIAN TRIALS AT CORK.

The Special Commission is going on at Cork. The Crown counsel prosecuting are, the Attorney-General, M.P.; the Solicitor-General, M.P.; Mr. Charles Barry, M.P., Q.C.; and Mr. James S. Green (the Crown prosecutor for the county). Messrs. Butt, Q.C., and George Waters, are retained for the prisoners.

The proceedings opened with a challenge to the army. Triers were sworn, and after evidence as to the preparation of the jury panel had been gone into, the triers found that the panel had been prepared with impartiality. The trial of John McCafferty was then proceeded with. The prisoner having claimed the rights of an alien (he was a native of the United States, and had been a captain in the Confederate army), a mixed jury was sworn. On the close of the case for the prosecution, the learned judges intimated their opinion that no overt act had been proved to have been done by the prisoner after his arrival in this kingdom, and directed an acquittal. Since then another bill was sent up against McCafferty, and found a true bill by the grand jury.

Bryan Dillon (an A. or colonel in the Fenian Brotherhood) and John Lynch (also a leading member of the organization in Cork) were next tried. The defence consisted mainly of an attack on the Executive for having allowed the drilling &c., to go on for the length of time the witnesses deposed to.

The Solicitor-General replied to this.

The jury convicted both prisoners, who were each sentenced to ten years penal servitude.

Dillon had been clerk to a respectable solicitor, Mr. W. R. Copinger, South-mall, Cork; Lynch was a publican, but had given up business shortly after his trial and acquittal for being concerned in riots which had taken place in Cork on the occasion of the illumination of the city upon the marriage of the Prince of Wales.

The Crown have produced another witness, an approve, a blacksmith, named Hegarty, who had been engaged making pikes, had fled from Cork on the arrest of his co-conspirators, but was arrested in London, working in St. Catherine's Docks. His evidence corroborates, as to the persons implicated in Cork, that of Warner, pensioner, who had served in the army during the Crimean war, and had fought at Inkerman. He has latterly served in the Militia, and, amongst the Fenians, was useful in drilling.

#### A JUDGE PLACARDED.

Mr. Justice Keogh appears to have made himself peculiarly obnoxious to the disaffected sympathizers with the accused. The walls about Cork were plentifully posted with abusive placards denouncing the conduct of the learned judge, and stigmatizing him as "Norbury the Second." These bills were pulled down by the police.

#### COURT OF CHANCERY.

*Stackpoole v. Molony.* — Petition against a Solicitor.—Messrs. Warren, Q.C., May, Q.C., and Shegag, were counsel for the petitioner. Messrs. Brewster, Q.C., and M. B. Smyth, for respondent.

The petitioner stated that Mr. Andrew Stackpoole, who had died in 1844, had by his will left his property to trustees, in trust for his son, Andrew, the younger, for life, remainder to his children, and in default of issue, to the petitioner, with remainders over; that Andrew the younger, on his father's death, entered into possession in 1862, but died without issue, upon which the petitioner became entitled. It appeared that the respondent, Mr. C. B. Molony, of Ennis, had acted as solicitor for Andrew the younger, and in this way had the possession of various deeds and papers relating to the property, which, having been demanded by the petitioner, were refused to be given up by the respondent until his costs were paid. The petition prayed that the respondent may be ordered to deliver up all deeds, &c., in his possession having relation to the lands stated in the petition, and that he be ordered to pay the costs. The respondent relied on his lien for costs incurred in the Landed Estates Court, and also insisted that the legal estate in the property was not in the petitioner, but in the trustees, and

vening.  
I have  
you. As  
int I lose  
Dowse.

the Crown  
I.P.; the  
P., Q.C.;  
for the  
s, are re-

he array.  
separation  
and that  
the trial of  
the prisoner  
the case  
ed, their  
been done  
on, and  
sent up  
and jury  
(herbhood)  
utilization  
mainly of  
drilling  
posed to.

such sen-

Mr. W.  
ean, but  
acquittal  
in Cork  
upon the

prover,  
making  
irators,  
herine's  
s impli-  
served  
ought at  
4, and,

ularily  
caused  
abusive  
ge, and  
the bills

itor.—  
counsel  
Smyth,

e, who  
erty to  
to the  
singer,  
2, but  
the em-  
colony,  
, and  
papers  
ed by  
spon-  
at the  
c, in  
pefi-  
spon-  
nded  
u the  
, and

that the petitioner was not entitled to the custody of the title deeds, &c.

The Lord Chancellor ordered the costs in the Landed Estates Court proceedings to be taxed, the deeds, &c., to be handed over to the petitioner; the respondent to pay the costs of the petition and hearing.

#### CONSOLIDATED CHAMBER.

(Before Baron DEASEY.)

*Shea v. Aldworth—Authority of an Attorney to receive process.*—Mr. O'Reardon moved, on the part of the plaintiff, to make absolute a conditional order to substitute service of the writ of summons and plaint, notwithstanding cause shown. The action was on an award; in the action which had been referred to arbitration, Mr. Julian had acted for the defendant, who had left the country, travelling with his family, pending that suit. It was sought to make the order absolute for serving Mr. Julian as defendant's attorney, his land-steward, and a connexion, all of whom, it was sworn, were believed to be in communication with him.

Mr. O'Shaughnessy showed cause for Mr. Julian. His authority to act for the defendant did not extend to any other business than the cases arising out of the transaction to which the original action had reference; that was now at an end.

Mr. Johnson showed cause for the other parties.

His Lordship said he could not hold the action on the award a continuance of the former action. As the attorney swore he was retained by the defendant for that case only, the authority could not be extended. The cause shown should be allowed with costs. The land-steward, employed on the defendant's estate, should be considered as manager in this country of defendant's property; and the order should be made absolute as against him alone.

#### THE CERTIFICATE TAX.

(From the *Irish Times*.)

The solicitors of Ireland and England, through the instrumentality of Mr. Denamn, carried, last session, in defiance of Mr. Gladstone's opposition, a resolution of the House of Commons in favour of the abolition of the heavy license duty now paid by the profession. The members of no other profession pay license duty for the exercise of the vocation they have adopted. The physician is not required to pay annually a serious tax to enable him to prescribe for a patient. A clergyman is not called upon to contribute heavily, year by year, nor does a barrister purchase the privilege of pleading for a client by the same process. The total amount of the revenue thus collected is inconsiderable. The only ground upon which the imposition of the tax is defensible is, that it tends to keep the profession select. The attorneys and solicitors, however, may be considered the best judges of what is best for the honour and interests of the profession to which they belong. They urge that prior to admission to practice, they pay a very considerable sum to the State in stamp duty. They do not require that this heavy entrance-fee should be abolished, but they object to an annual impost upon the practice of their profession. At the annual meeting of the Incorporated Society of Attorneys and Solicitors, of which we lately\* gave an account, it was intimated that the co-operation of the English solicitors had been sought with every reasonable hope of success. Should the leading members of the profession in both countries unite in claiming the abolition of the tax, it is not likely that the Chancellor of the Exchequer will offer any opposition. The attorneys and solicitors, in their earnest and successful efforts to improve the educational acquirements of candidates for apprenticeships, have done more to maintain and increase the high position of their profession than taxes imposed upon it could ever effect.

#### INCORPORATED SOCIETY OF ATTORNEYS AND SOLICITORS.—

##### THE CHARTER FUND.

Pursuant to resolution, a meeting of the subscribers to the Charter fund was held on 19th inst., in the Solicitors' Hall, Four Courts, to take into consideration the appropriation of the balance of the above fund, towards defraying the expenses attending on the preparation and promotion before Parliament of certain bills for the benefit of the profession in Ireland. At three o'clock the chair was taken by Mr. Orpen.

The Secretary (Mr. Goddard) stated that a balance of the Charter Fund, amounting to £523 8s. 10d., remained invested to the credit of the society, in the new Three per Cent. Stock. The first thing necessary to be done was to pass a resolution, transferring the fund from the original trustees to the present trustees of the society.

Mr. Anderson then moved that the fund called the Charter Fund be transferred from the original trustees to the present trustees of the society—namely, Messrs. J. T. Orpen, Arthur-Barlow, and W. Reeves, and that they be empowered to apply said money for the benefit of the profession.

Mr. P. Taaffe seconded the motion, which was adopted.

The meeting then separated.

#### SOCIETIES AND INSTITUTIONS.

##### LAW STUDENTS' DEBATING SOCIETY.

At the meeting held at the Law Institution, on the 19th inst., Mr. Addison in the chair, the following question was discussed—"Should the provisions of the Foreign Enlistment Act, 59 Geo. 3, c. 69, be extended?" which was opened by Mr. Mytton, in the affirmative, and upon being put by the president was decided in the same way.

#### LAW STUDENTS' JOURNAL.

##### EXAMINATIONS OF ARTICLED CLERKS.

###### INTERMEDIATE EXAMINATION.

The examiners have appointed Thursday, the 18th January next for this examination. Candidates are to attend on that day at half-past nine in the forenoon, at the hall of the Incorporated Law Society, Chancery-lane. The examination will commence at ten o'clock precisely, and close at four o'clock.

Articles of clerkship and assignment, if any, with answers to the questions as to due service, according to the regulations approved by the judges, must be left with the Secretary on or before Wednesday the 3rd January; and in case of articles and testimonials of service already deposited, they should be re-entered, the fee\* paid, and the answers completed on or before the 3rd January. No candidate will be examined who shall not have complied with these conditions, or whose testimonials as to service or conduct shall not be satisfactory to the examiners.

On the day of examination, papers will be delivered to each candidate, containing questions to be answered in writing, selected from the works specified by the examiners; and a paper of questions on book-keeping.

Copies of the further questions relating to the ten years' service may be had on application; and such questions, duly answered, must be left with your articles, &c., on or before the 3rd January.†

###### FINAL EXAMINATION.

The examiners have appointed Tuesday, the 16th, and Wednesday, the 17th January, for this examination. Candidates are to attend on those days at half-past nine in the forenoon of each day, at the hall of the Incorporated Law Society, Chancery-lane. The examination will commence at ten o'clock precisely, and close at four o'clock.

Articles of clerkship and assignment, if any, with answers to the questions as to due service according to the regulations approved by the judges, must be left with the secretary on or before Wednesday, the 10th January. If the articles were executed after the 1st January, 1861, the certificate of having passed the intermediate examination should be left at the same time; and in case of articles and testimonials of service deposited already, they should be re-entered, the fee‡ paid, and the answers completed on or before the 10th January.

Copies of the further questions relating to the ten years' service may be obtained if required; and such questions, duly answered, must be left with your articles, &c., on or before the 10th January.†

Where the articles have not expired, but will expire

\* 5s.

† Candidates who have already proved to the satisfaction of the Examiners the ten years' antecedent service are not required to leave replies to the further questions again.

‡ 1s.

during the term, or in the vacation following such term, the candidate may be examined conditionally; but the articles must be left on or before the 10th January, and answers up to that time. If part of the term has been served with a barrister, special pleader, or London agent, answers to the questions must be obtained from them, as to the time served with each respectively. No candidate will be examined who shall not have complied with these conditions, or whose testimonials as to service or conduct shall not be satisfactory to the examiners.

On the first day of examination, papers will be delivered to each candidate, containing questions to be answered in writing, classed under the several heads of—1. Preliminary; 2. Common and statute law, and practice of the courts; 3. Conveyancing.

On the second day, further papers will be delivered to each candidate, containing questions to be answered in—4. Preliminary; 5. Equity, and practice of the courts; 6. Bankruptcy, and practice of the courts; 7. Criminal law, and proceedings before justices of the peace.

Each candidate is required to answer all the preliminary questions (Nos. 1 and 4); and also to answer in three of the other heads of inquiry—viz., common law, conveyancing, and equity. The examiners will continue the practice of proposing questions in bankruptcy and in criminal law and proceedings before justices of the peace, in order that candidates who have given their attention to these subjects may have the advantage of answering such questions, and having the correctness of their answers in those departments taken into consideration in summing up the merit of their general examination.

### COURT PAPERS.

#### CHANCERY Sittings. HILARY TERM, 1866.

##### LORD CHANCELLOR.

Lincoln's Inn.  
Thurs. Jan. 11. App. mnts. & apps.  
Friday ..... 12. Petns. & appeals.  
Saturday ..... 13. Appeals.  
Monday ..... 15. Appeals.  
Tuesday ..... 16. { Apps. in bcky. &  
Wednesday ..... 17. { Apps.  
Thursday ..... 18. { Apps. in bcky. &  
Friday ..... 19. { Apps.  
Saturday ..... 20. { Appeals.  
Monday ..... 22. { Appeals.  
Tuesday ..... 23. { Appeals.  
Wednesday ..... 24. { Apps. in bcky. &  
Thursday ..... 25. { Apps. in bcky. &  
Friday ..... 26. { Apps.  
Saturday ..... 27. { Appeals.  
Monday ..... 29. { Appeals.  
Tuesday ..... 30. { Petitions and apps.  
Wednesday ..... 31. { App. mnts. & apps.

##### MASTER OF THE ROLLS.

Chancery-lane.  
Thurs. Jan. 11. Mnts. & gen. pa.  
Friday ..... 12. General paper.  
Saturday ..... 13. { Petns. & sh. caus.,  
general paper.  
Monday ..... 15. { adj. sums., and  
general paper.  
Tuesday ..... 16. General paper.  
Wednesday ..... 17. General paper.  
Thursday ..... 18. Mnts. & gen. pa.  
Friday ..... 19. General paper.  
Saturday ..... 20. { Petns. & sh. caus.,  
general paper.  
Monday ..... 22. { adj. sums., and  
general paper.  
Tuesday ..... 23. General paper.  
Wednesday ..... 24. General paper.  
Thursday ..... 25. Mnts. & gen. pa.  
Friday ..... 26. General paper.  
Saturday ..... 27. { adj. sums., and  
general paper.  
Monday ..... 29. { General paper.  
Tuesday ..... 30. { General paper.  
Wednesday ..... 31. Mnts. & gen. pa.  
N.B.—Unopposed petitions must be presented and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

##### LODGE JUSTICES.

Lincoln's Inn.  
Thurs. Jan. 11. App. mnts. & apps.  
Friday ..... 12. { Petns. in lunacy,  
app. petns., and  
apps.  
Saturday ..... 13. { Petns. in lunacy,  
app. petns., and  
apps.  
Monday ..... 15. { Petns. in lunacy,  
app. petns., and  
apps.  
Tuesday ..... 16. { Petns. in lunacy,  
app. petns., and  
apps.  
Wednesday ..... 17. { Petns. in lunacy,  
app. petns., and  
apps.  
Thursday ..... 18. { Petns. in lunacy,  
app. petns., and  
apps.  
Friday ..... 19. { Petns. in lunacy,  
app. petns., and  
apps.  
Saturday ..... 20. { Petns. in lunacy,  
app. petns., and  
apps.  
Monday ..... 22. { Petns. from the Co.  
Palat. of Lancstr.  
Tuesday ..... 23. { Petns. from the Co.  
Palat. of Lancstr.  
Wednesday ..... 24. { Petns. in lunacy,  
app. petns., and  
apps.  
Thursday ..... 25. { Petns. in lunacy,  
app. petns., and  
apps.  
Friday ..... 26. { Petns. in lunacy,  
app. petns., and  
apps.  
Saturday ..... 27. { Petns. in lunacy,  
app. petns., and  
apps.  
Monday ..... 29. { Petns. in lunacy,  
app. petns., and  
apps.  
Tuesday ..... 30. { Petns. in lunacy,  
app. petns., and  
apps.

##### V. C. SIR R. T. KINDERSLEY.

Lincoln's Inn.  
Thurs. Jan. 11. { Mnts., adj. sums.,  
& gen. pa.  
Friday ..... 12. { Petns., adj. sums.,  
& general paper.  
Saturday ..... 13. { Sht. causes., adj.  
sums., & gen. pa.  
Monday ..... 15. { Petns., adj. sums.,  
& general paper.  
Tuesday ..... 16. { Petns., adj. sums.,  
& general paper.  
Wednesday ..... 17. { Petns., adj. sums.,  
& general paper.  
Thursday ..... 18. { Petns., adj. sums.,  
& gen. pa.  
Friday ..... 19. { Petns., adj. sums.,  
& general paper.  
Saturday ..... 20. { Sht. causes., adj.  
sums., & gen. pa.  
Monday ..... 22. { Petns., adj. sums.,  
& general paper.  
Tuesday ..... 23. { Petns., adj. sums.,  
& general paper.  
Wednesday ..... 24. { Petns., adj. sums.,  
& gen. pa.  
Thursday ..... 25. { Petns., adj. sums.,  
& gen. pa.  
Friday ..... 26. { Petns., adj. sums.,  
& general paper.

further consideration, except by order of the Court, may be marked to stand over, if it shall be within 12 of the last cause or matter in the printed paper of the day for hearing.

##### V. C. SIR W. P. WOOD.

Lincoln's Inn.  
Thurs. Jan. 11. Mnts. & gen. pa.  
Friday ..... 12. General paper.  
Saturday ..... 13. { Petns., sh. causes.,  
general paper.  
Monday ..... 15. General paper.  
Tuesday ..... 16. General paper.  
Wednesday ..... 17. General paper.  
Thursday ..... 18. Mnts. & gen. pa.  
Friday ..... 19. General paper.  
Saturday ..... 20. { Petns., sh. causes.,  
general paper.  
Monday ..... 22. General paper.  
Tuesday ..... 23. General paper.  
Wednesday ..... 24. General paper.  
Thursday ..... 25. Mnts. & gen. pa.  
Friday ..... 26. General paper.  
Saturday ..... 27. { Petns., sh. causes.,  
general paper.  
Monday ..... 29. General paper.  
Tuesday ..... 30. General paper.  
Wednesday ..... 31. Mnts. & gen. pa.  
N.B.—Any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

##### V. C. SIR JOHN STUART.

Lincoln's Inn.  
Thurs. Jan. 11. Mnts. and causes.  
Friday ..... 12. Petitions & causes.  
Saturday ..... 13. Sht. causes & caus.  
Monday ..... 15. Causes.  
Tuesday ..... 16. Causes.  
Wednesday ..... 17. Causes.  
Thursday ..... 18. Mnts. & causes.  
Friday ..... 19. Petitions & causes.  
Saturday ..... 20. Sht. causes & caus.  
Monday ..... 22. Causes.  
Tuesday ..... 23. Causes.  
Wednesday ..... 24. Causes.  
Thursday ..... 25. Mnts. and causes.  
Friday ..... 26. Mnts. & gen. pa.  
Saturday ..... 27. Petns., sh. caus., and  
general paper.  
Monday ..... 29. General paper.  
Tuesday ..... 30. General paper.  
Wednesday ..... 31. Mnts. & gen. pa.  
N.B.—Any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

### COMMON PLEAS.

Sittings at Nisi Prius in Middlesex and London, before the Right Hon. Sir WILLIAM ERLE, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas, at Westminster, in and after Hilary Term, 1866.

#### IN TERM.

##### Middlesex.

Friday ..... 11. Jan. 12 | Friday ..... 12. Jan. 26

Friday ..... 19 |

The Court will not sit in London during Term.

#### AFTER TERM.

##### Middlesex.

Thursday ..... 1. Feb. 1 | Tuesday ..... 1. Feb. 13

The Court will sit during and after Term at 10 o'clock.

### EXCHEQUER OF PLEAS.

Sittings at Nisi Prius in Middlesex and London, before the Right Hon. Sir FREDERICK POLLOCK, Knt., Lord Chief Baron of her Majesty's Court of Exchequer, in and after Hilary Term, 1866.

#### IN TERM.

##### Middlesex.

1st sitting, Monday, Jan. 15 | 3rd sitting, Monday, Jan. 29

2nd " Monday, Jan. 22 |

The Court will not sit in London during Term.

#### AFTER TERM.

##### Middlesex.

Thursday ..... 1. Feb. 1 | Monday ..... 1. Feb. 12

The Court will sit during and after Term at 10 o'clock.

The Court will sit in Middlesex, in Term, by adjournment from day to day, until the causes entered for the respective Middlesex sittings are disposed of.

### ATTENDANCE AT THE JUDGES' CHAMBERS.

Mr. Justice Byles and Mr. Baron Channell attended on Thursday at the Judges' Chambers. Mr. Justice Lush will conclude the sittings this day, and the chambers will be closed until next Friday. There will be no judge in attendance during the week.

### SITTINGS OF HER MAJESTY'S COURT OF RECORD FOR THE HUNDRED OF SALFORD.

#### Court Sittings, 1866.

First day and hour of sitting.

Wednesday, January 31. Wednesday, July 11.

Thursday, March 1. Wednesday, October 10.

Wednesday, May 9. Saturday, December 1.

at 9.30 a.m. each day.

Last day for service of writ.—January 8, February 6, April 16, June 18, September 17, November 7.

Last day for filing declarations, and giving notice thereof.

—January 16, February 14, April 24, June 26, September 25, November 15.

Last day for delivering issue with notice of trial, for giving notice of writ of inquiry, for entry of causes, and lodging record with particulars annexed of demand and set-off.—January 25, February 23, May 3, July 5, October 4, November 24.

In the event of the business not being concluded in one day, the sitting will be continued from day to day, or on such other days as the judge may appoint.

High Steward, the Right Hon. the Earl of Sefton; Judge, Joseph Kay, Esq., M.A.; Deputy-Steward and Registrar, James Hilton Hulme, Esq.; Deputy-Registrar, William Foyster, Esq.; Assistant-Registrar, Henry Thomas Edwards, Esq.; Judge's Clerk and Crier, Mr. George Wood; Office Clerk, Mr. Thomas Marr; Head Bailiff, Mr. Martin Newton; Under-Bailiffs, C. M. Newton, Manchester; William Grundy and John Thornley, Bolton; William Binns, Bury; Edward Hill, Rochdale; Moses Aspinall, Middleton.

Office—Town Hall, Salford. Hours—10 A.M. to 4 P.M.; Saturdays, 10 A.M. to 1 P.M.

#### TREASURY ORDER.

MICHAELMAS VACATION, 1865.

*Regula Generales as to payment of Common Law Fees by Stamps, pursuant to Act 28 Vict. cap. 45.*

Whereas by an Act passed in the session of Parliament held in the 28th year of the reign of Her Majesty, cap. 45, entitled "An Act to provide for the collection by means of stamps of fees payable in the superior courts of law at Westminster, and in the offices, belonging thereto," it is provided by the third section thereof that the commissioners of Her Majesty's Treasury, with the concurrence of the Lord Chief Justices and of the Lord Chief Baron, may from time to time make such rules as seem fit for regulating the use of the stamps under this Act, and particularly for prescribing the application thereof to documents from time to time in use or required to be used for the purposes of such stamps, and for ensuring the proper cancellation of adhesive stamps, and keeping account of such stamps; now we, being two of the Lords Commissioners of Her Majesty's Treasury, with the concurrence of the Lord Chief Justices and of the Lord Chief Baron, do hereby order and direct that the following rules be observed in respect to stamps used in the superior courts of common law, and in the several offices connected therewith; the Crown Office, Queen's Bench; the Office of Registrar of Certificates, &c., of Acknowledgements of Deeds of Married Women, Court of Common Pleas; the Office of Registrar of Judgments, &c., Common Pleas; the Queen's Bench Remembrancer's Office, Court of Exchequer; and in the Judges' Chambers; to take effect on and after the 1st day of January, 1866.

1. The stamps to be used for collecting the fees payable in the several offices in the courts of common law, at Westminster, and in the Judges' Chambers, by virtue of the above Act, shall subject to the provisions of the seventh and eighth of these rules, be stamped or affixed at the expense of the parties liable to pay such fees on or to the vellum, parchment, or paper on which the proceedings, in respect whereof such fees are payable, are written or printed, or which may be otherwise used in reference to such proceedings.

2. Where any of such fees are payable in respect of any matter or thing to be done by any officer or in any office of the said courts, or at the Judges' Chambers, and it shall not have been customary to use any written or printed document or paper in reference to such matter or thing whereinon the stamp could be stamped or affixed, the party or his attorney requiring such matter or thing to be done, or permitted to be done, shall make application for the same by a *præcipe* or short note in writing or print, and a stamp denoting the amount of the fee so payable shall be stamped or affixed to such *præcipe* or note.

3. All adhesive stamps affixed to any paper or document presented to or kept in the possession of any of the officers of the said courts, or of the clerks to the judges, shall, before the act is done or permitted to be done, in respect of which the fee denoted by such stamp is payable, be effectually cancelled by some officer of the said courts, or by one of the said clerks to the judges, by obliterating the same by means of a hand-stamp and printing ink, showing the date of the cancellation, and no such document shall be filed or delivered

out until the stamp thereon shall have been cancelled or defaced in manner aforesaid.

4. That when any summons, order, or other document has been issued by mistake, and the stamp thereon has been cancelled without having been legitimately used, the master, associate, or other proper officer of the department to which the fee is payable, or the judge's clerk, shall certify that such stamps are fit subjects for allowance, and it shall be competent to the Board of Inland Revenue, upon the presentation of such certificate, to allow the amount thereof.

5. That distributors of stamps, and all persons licensed to sell stamps in England and Wales, shall be permitted to sell the stamps above referred to, and that an office be provided in or attached to the Judges' Chambers for the sale of stamps.

6. The several officers of the said courts, and the clerks to the several judges shall, on or before the 30th day of April in each year, make out an account of all stamps cancelled in their respective offices, specifying the number of each denomination, and shall render such account to the Lords Commissioners of her Majesty's Treasury, and the first of such accounts shall be for the three months ended 31st March, 1866, and the second of such accounts for the year ended 31st March, 1867, and so forth.

7. And we do hereby order and direct that the stamps to be used for collecting the fees payable in the offices of the several masters of the courts of common law, shall be stamped or affixed at the expense of the parties liable to pay such fees on the several documents mentioned in the second column of the subjoined table.

Fees taken in the Offices of the Masters of the Courts of Queen's Bench, Common Pleas, and Exchequer, in respect of

Every writ ..... Stamp to be affixed upon

Every appearance ..... Præcipe.

Appearance piece, which shall be of linen paper of the same size and shape as the parchment appearance pieces heretofore used.

Document filed.

Order to amend.

Rule.

Entry in Masters' book.

Bill taxed.

Certificate, examination, or report.

Entry in Masters' book.

Certificate.

Office copy.

Præcipe or note filed.

Affidavit, &c.

Bail piece.

Entry in Master's book.

Rule for re-admission.

8. And we do further order and direct, that a book or books be kept in the offices of the associates of the courts of Queen's Bench, Common Pleas, and Exchequer, in which book or books shall be entered the names of the several causes, against which shall be placed adhesive stamps of the value required during the different stages, and it shall be the duty of the associate, or of such one of his clerks as he shall direct to do it, to cancel such stamps in the manner hereinbefore provided, immediately after they are placed in such books.

Given under our hands at the Treasury Chambers, White-hall, this 15th day of December, 1865.

RUSSELL.

E. H. KNATCHBULL-HUGESSEN.

We do hereby signify our concurrence in the before-mentioned rules and regulations:

A. E. COCKBURN,

Lord Chief Justice of the Court of Queen's Bench.

W. ERLE,

Lord Chief Justice of the Court of Common Pleas.

FRED. POLLOCK,

Lord Chief Baron of the Court of Exchequer.

16th December, 1865.

## PUBLIC COMPANIES.

## ENGLISH FUNDS AND RAILWAY STOCK.

LAST QUOTATION, December 21, 1865.

[From the Official List of the actual business transacted.]

## GOVERNMENT FUNDS.

3 per Cent. Consols, 87½	Annuities, April, '85, —
Ditto for Account, Jan. 9—87½	Do. (Red Sea T.) Aug. 1908 —
3 per Cent Reduced, 87½	Ex Bills, £1000, 3 per Ct. 2 dis
New 3 per Cent., 87½	Ditto, £500, Do, dis
Do, 3½ per Cent., Jan. '94 —	Ditto, £100 & £200, Do, dis
Do, 2½ per Cent., Jan. '94 —	Bank of England Stock, 5½ per
Do, 5 per Cent., Jan. '73 —	Ct. (last half-year) 246
Annuities, Jan. '80 —	Ditto for Account, —

## INDIAN GOVERNMENT SECURITIES.

India Stock, 10½ p Ct. Apr. '74 —	Ind. Env. Fr., 4 p C., Jan. '72, —
Ditto for Account, —	Ditto, 5½ per Cent., May, '79, —
Ditto 5 per Cent., July, '70, 102½	Ditto Debentures, per Cent.,
Ditto for Account, —	April, '64 —
Ditto 4 per Cent., Oct. '88 97½	Do, Do., 5 per Cent., Aug., '66, —
Ditto, ditto, Certificates, —	Do. Bonds, 4 per Ct., £1000, 14 pm
Ditto Enfaced Fr., 4 per Cent. —	Ditto, ditto, under £1000, — pm

## RAILWAY STOCK.

Shares.	Railways.	Paid.	Closing Prices.
Stock	Bristol and Exeter	100	95
Stock	Caledonian	100	128
Stock	Glasgow and South-Western	100	114
Stock	Great Eastern Ordinary Stock	100	43
Stock	Do., East Anglian Stock, No. 2	100	8½
Stock	Great Northern	100	127½
Stock	Do., A Stock*	100	146½
Stock	Great Southern and Western of Ireland	100	94
Stock	Great Western—Original	100	59½
Stock	Do., West Midland—Oxford	100	40
Stock	Do., do.—Newport	100	37
Stock	Do., do.—Hereford	100	105
Stock	Lancashire and Yorkshire	100	122½
Stock	London and Blackwall	100	92
Stock	London, Brighton, and South Coast	100	104
Stock	London, Chatham, and Dover	100	38
Stock	London and North-Western	100	125½
Stock	London and South-Western	100	96½
Stock	Manchester, Sheffield, and Lincoln	100	63
Stock	Metropolitan	100	139½
10	Do., New...	£4:10	36 pm
Stock	Midland	100	123½
Stock	Birmingham and Derby	100	94
Stock	North British	100	59
Stock	North London	100	128
10	Do., 1864	5	7½
Stock	North Staffordshire	100	75½
Stock	Scottish Central	100	150
Stock	South Devon	100	55
Stock	South-Eastern	100	75
Stock	Taff Vale	100	150
10	Do., C...	3	4 pm
Stock	Vale of Neath	100	104
Stock	West Cornwall	100	51

\* A receives no dividend until 6 per cent. has been paid to B.

## MONEY MARKET AND CITY INTELLIGENCE.

There is every likelihood that the year will end without any increased pressure. The returns of the Bank of England for the last fortnight have not been as unfavourable as was expected. The amounts withdrawn for exportation have been greater than the actual decline in the coin and bullion. The difference, consequently, must have returned from Ireland, Scotland, and the provinces, thus indicating a previous drain of those districts. It was this drain, perhaps, that created the first necessity for the Bank to raise the rate of discount in the recent autumn. For trade and joint-stock speculation may be carried on to any extent without affecting the action of the Bank of England until a drain of gold sets in. Then only does the old lady of Threadneedle-street hesitate herself and consider the approach of her enemy to draw nigh. Although we are still advocates of the principle of the Bank Charter Act of 1844, yet we must admit that it seems rather an empirical mode of regulating the general health of our mercantile and monetary system to attend to nothing but the amount of bullion in the Bank, and, even with respect to it, not to endeavour to "precast" coming events, but to wait, as we do, until either an actual drain or plethora has set in. As long as the Bank had a discretionary power of issuing notes, no doubt it had an extraordinary temptation to issue as much as possible. But, at present, it seems open to doubt whether some greater degree of discretion might not be allowed the Bank directors than they have under the Act of 1844. The *Times* is altogether in favour of the Act (which, as our readers know, regulates the issue department, without leaving any exercise whatever of discretion to the directors), while the *Daily News* is as much opposed to it. *Cram malici cestant*; but we think the truth is not wholly on either side.

The arrival of the *Great Britain* from Melbourne, just now expected, would greatly affect our monetary world. Too much is thus dependant upon the accidental arrivals of bullion. We may return to this point again.

The Bank directors not having raised the rate of discount at the latest meeting, the Stock markets have become firmer. The purchase of £200,000 Consols by the Court of Chancery has aided this improvement. Additional confidence has been created by the arrivals of gold to a considerable amount. On Thursday morning Consols advanced ½ per cent.; but this increase of price was not sustained, probably because the Christmas holidays give a check to speculation.

Foreign bonds, however, especially Greek, exhibit considerable, and probably somewhat permanent, improvement. British Railway Stocks are still more flourishing, especially Midland, Caledonian, and the North British, and Metropolitan. American securities have lost their recent liveliness, and a like record is to be made of the shares of Overend, Gurney, & Co.

The applications for discount at the Bank office declined on Thursday. In the general market, however, the rate for good bills remains at 6 per cent.; but there is a good supply of money, and the demand accordingly is healthy and not hectic.

During the earlier part of the week there was very general apprehension that the bank rate of discount would be increased at the next meeting, and hence many persons supplied themselves with loans to a greater amount than their actual necessities required. In the Stock Exchange the rate for short loans on Government securities is about 4½ per cent. The charge against the January settlement was about 5½. Indian Government securities are steady. Exchequer bills are unaltered at from 6s. to 2s. discount.

The Liverpool Cotton Market is firm at former quotations.

The Lancashire and Yorkshire, North Eastern, Manchester, Sheffield, and Lincolnshire, and London, Chatham, and Dover, railways, including the Metropolitan Extension, show an increase of traffic during the week.

The 40th annual general meeting of the National Bank of Scotland was held at Edinburgh on Thursday, when a dividend of £10 per cent. was declared. At the half-yearly meeting of the Canada Company, on Thursday, a dividend of £1 per share, free of income tax, was declared. The report was most cheering.

The admirers of "limited" liability schemes will find their enthusiasm much checked by referring to the accounts of the General Rolling Stock Company. This company appears to be quite a rival to Smith, Knight, & Co., in their talents for raising loans and wasting capital. The total of shares was 8,714, on which, at the beginning of the present year, £24,000 had been paid. Out of this £24,000 not less than £13,469, were disbursed for promotion money and preliminary expenses, and in February last the affair came to the tomb of most of the joint-stock companies, viz., a winding-up. It appears that the utmost working capital ever held by the company was £10,531. The debts amount only (?) to £188,000, and there are further claims, not yet proved, amounting to about £300,000. Amongst the latter is a claim by the Alliance Bank for £178,000. This money was advanced to enable the company to construct a railway in Spain; but the company gave £50,000 of it as a *douleur* to the chairman of the railway. The assets amount to £4,000, and the creditors will receive a dividend of twopence in the pound.—*Sic transit gloria mundi.*

## JOINT-STOCK COMPANIES.

Considerations affecting the rights of shareholders, presenting petitions to wind up joint-stock companies, limited and unlimited.

On Saturday last, a petition *In the matter of the Nova Scotia Land and Gold Crushing Company (Limited), Ex parte Viger*, was heard before the Master of the Rolls, the decision in which is of importance to all those who may now, or hereafter, hold shares in any of the numerous joint-stock companies which have of late been somewhat numerously brought out.

The petitioner was the holder of fifty shares of £2 each in the company mentioned, he had paid calls upon them, but there yet remained a sum uncalled up. It was not denied that a judgment had been recovered against the company, which the available assets were insufficient to meet, though it was stated, and not controverted, that, subsequently, arrangements had been made which had satisfied the judgment creditor. Nor was it disputed that the whole of the money which the shareholders had paid was spent, the result of the expenditure being, according to the statement of the petitioner's counsel, that there had been a loss on the company's workings of something like £4,000 a-year.

It was objected on the part of the respondents that they had depated a well qualified agent to inspect and report upon the company's property in Nova Scotia, and that he had stated if some £5,000 were expended in further developing some of the company's mining operations, the result was "not unlikely" to be successful. Moreover, that some land in the possession of the company might, hereafter, from its position, be the site of a maritime town, and thus be a valuable asset. It also appeared that, at a general meeting of proprietors recently held, the petitioner had brought forward a motion to wind up the company, and that although some thirty-five shareholders were present (the registered number being 224) no one could be induced to second the proposition.

His Honour, without hearing counsel for the respondents, delivered the following judgment:—It is singular enough that of

late I have had four or five of these petitions, exactly of the same description, in every one of which I have thought it was a case in which the Court ought not to interfere. The right is rested upon those very vague and ambiguous words in the clause of the statute which speaks of the Court considering it to be "just and equitable." It is to be observed that the Court deals with these cases of limited companies in a very different way from what it does when persons are liable to an unlimited extent. Where a shareholder is liable to the whole extent of his fortune to pay the debts of a concern, if he comes forward and says that it is a failure, the Court may think it very fit that it should be wound-up. But when the whole extent of his liability is limited by law to the extent, say of £100, which he knew when he became a shareholder, and he comes to the Court merely to get a few shillings per share out of it, very different considerations arise, because he is not much injured by the continuance of the concern, and the Court must really look to see whether there is a *bona fide* carrying on of the company. If there be not, undoubtedly a petitioner is entitled to have the property of the company sold, and the proceeds divided amongst himself and the other shareholders. But if there be the possibility of future success, and the rest of the shareholders wish to go on, I do not think it is the province of this Court to interfere and stop the whole matter, and I have acted upon that view three or four times lately. In this case there was a general meeting of the shareholders, attended by thirty-five out of some 250 shareholders, those who were absent, I suppose, not desiring to take any active part in the matter. It seems that thirty-four out of the thirty-five wished to continue working, and the petitioner could not get any one to second his motion to wind-up the company, which seems not to be a mere "bubble" company, because they have got lands in Nova Scotia, which they have sent out a person to inspect. In that state of things I am of opinion that I ought not to interfere to wind-up the company. The shareholders themselves are the best judges of what should be done, and I must permit them to go on. Therefore, I must dismiss the petition with costs.

I take it for granted that some of these petitions will go to the Lords Justices, and I shall be very glad to be informed of the view which they take. I have stated mine as clearly as I can.

**COMPLIMENTS TO CRIMINALS.**—Few things are commoner with judges who have rather an exceptional criminal before them than to compliment his ability at the expense of his character. "You have shown talents in this transaction which, if honestly applied, might have," &c. &c. This language is both false and injudicious. It gives rise to a notion that criminals are clever fellows, whereas, as a rule, they are the biggest fools that can be imagined, and their cleverness, such as it is, is like the cleverness of a baby. You think it a great thing if a little child can speak plainly. A criminal who exercises the humblest kind of ingenuity is an exception.

A good instance of the character of the criminal classes is afforded by a case tried at Liverpool. A man called Statham pleaded guilty to stealing £2,500 from his employers. He absconded with a mistress to Italy, and, though warned that the police were after him, he was prevailed on by them on their arrival to accompany them back to England, without any sort of compulsion. He even brought the bulk of the money with him. Of course, as soon as he reached English ground, he was taken in charge, which appeared to surprise both himself and the lady. It wants very little wit to commit a crime.—*Pall Mall Gazette*.

**LIMITED LIABILITY COMPANY.**—The limited liability companies have lately taken to a new device for selling their shares, which exhibits that mixture of ingenuity and simplicity which is characteristic of great inventions. We have before us several notices from companies of considerable pretensions, which have written at the top of the prospectus the following significant words:—"Commission to broker, 10s. a share." The shares being £20 shares and £5 paid up, the broker thus receives just one-tenth part of the whole amount paid to the company. Now, when a man goes to his broker to consult about investments he goes for advice, and if the broker substantially advises that one-tenth of the sum to be laid out shall go into his own pocket, does he do his duty to his employer? This is a question very well worth the quiet consideration of every one who is disposed to invest in limited companies, of which he knows only that they are recommended to him by his broker.—*Pall Mall Gazette*.

**ACTIONS IN THE SUPERIOR COURTS.**—Not long ago some actions were tried for small sums before Mr. Under-Sheriff Burchell, at the Sheriff's Court, Red Lion-square, and he refused certificates for costs. In one case the action was against a Government clerk for a small sum, and a verdict given. An application was made for costs, and refused. The solicitor said it would cost an additional £1 to go before a judge at chambers.—Mr. Under-Sheriff Burchell: I can't help that, if you like to go. Application refused.

**STRANGE PARDON.**—The Government of the canton of Basle, Campanie recently adopted the strange resolution of pardoning a man named Martin Bader, who had been condemned to twenty-four year's hard labour for having poisoned his wife, mother, and sister, on the sole condition that he should emigrate to the

United States. The American consul at Basle, on learning this fact, addressed a protest to the cantonal Government, in which he declared that the United States are not penitentiary colonies for the reception of criminals and convicts; that he had consequently taken the necessary measures to prevent the landing of Bader, who would be sent back to Switzerland at the expense of those who had sent him out.—*Galignani*.

**MISS LONGWORTH AGAIN!**—Miss Longworth is about to bring an action for libel against the *North British Daily Mail* for an article which appeared in that paper on the day succeeding the verdict in the action against the conductors of the *Saturday Review*. The defendants being a Scotch paper, the proceedings in this case will, we suppose, be brought in England, though when a Scotch Jury failed to sympathize with her plaintiff, she has but little chance on this side the Tweed.

**THREE BROTHERS WITH ONLY TWO LEGS AMONGST THEM.**—In the neighbourhood of Castle Eden a family of three brothers have only two legs left amongst them. A few days ago Mr. Wilson, surgeon, amputated the right leg of Adam Donkin, of Wingate, who had his limb severely crushed on the Hartlepool Railway. This person has two brothers. One of them, residing at Shotton, a short time since lost both his legs; and the other, who is in America, some time previously had a leg amputated. The father of these brothers, it is said, had also the misfortune to lose one of his legs.

The present sittings of the Judicial Committee of Privy Council were brought to a close yesterday, and the committee adjourned till after Hilary Term.

**HUSBAND AND WIFE.—COMPLAINTS OF TRADESMEN.**—On Wednesday week last, at the Exchequer Court, three actions in the Exchequer came on for hearing against a Mrs. Murray, who had resided at Clapham and Camberwell, and had contracted debts with tradesmen and now pleaded her coverture. In the first case, *Stallahass v. Murray*, Mr. Langford was counsel for the plaintiff, and Mr. Popes for the defendant. In order to prove the debt, the plaintiff's counsel called the defendant, and she admitted that it was owing. Her own counsel elicited from her that she was a married woman, and had heard from her husband in November. She denied that she had stated, as alleged by the plaintiff, that she believed her husband was dead. She produced her marriage certificate. Under the direction of Mr. Secondary Potter, the jury found for the defendant, on the ground that she was a married woman. In the second case, *Voght v. Murray*, the action was for bread and money borrowed. A verdict was given for the defendant. In the third action, *Tallant v. Murray*, for rent, Mr. Langford elected to be nonsuited instead of having a verdict for the defendant. He thought it very hard on his clients. Another action, *Farmer v. Alger*, was tried. The plaintiff, a seafaring man, had, by his wife, lodged and supplied food to the defendant, who was son of Mrs. Murray (the defendant in the other case), or, as Mrs. Farmer said, he would have starved. He was a ward in chancery, and gave a bill, which was now resisted on the plea of infancy. The jury made some strong remarks. The Secondary said there must be a verdict for the defendant. Mr. Langford again elected to be non-suited, and the four actions failed.

**[ADVERTISEMENT].—GOOD NEWS FOR FRENCH WINE DRINKERS.**—To the Editor—Sir,—Your frequent and persistent advocacy of a more general use of light and pure wine leads us to hope that you will allow us to make a few remarks upon this subject, conceiving, as we do, that the measures we adopt will have an important influence, not only upon the prices but upon the consumption of French wines in this country. Hitherto the consumption of the finest of these wines has been almost prohibitory in consequence of the excessive prices at which they have been retailed, the difference which always exists between the importers' price and the price to the consumer is far too great, the extent and variety of the profits so numerous, that by the time the wine reaches the cellars of the consumer it becomes not only fabulously dear, but, as it has been aptly expressed, "a rare and expensive luxury." In order to encourage the consumption of these wines, and to bring within reasonable limits the prices of other growths suited to this market, we have just concluded a contract with one of the three houses announced at the commencement of 1864 as the sole purchaser for ten years of the produce of the vineyard, for a minimum quantity of 12,000 dozen of the first growth Chateau Margaux, of world-wide reputation; this contract will run over the whole period of our friends' interest in this wine, and will commence with the vintage of 1863, of which there is now bottling at the Chateau about 1,900 dozen, and which we are prepared to offer to the public at the unprecedentedly low price of 6s. per dozen, including duty and all charges to this country; the corks will, as is usual, when bottled at the Chateau, and as a guarantee of its genuineness, be branded "Chateau Margaux, Viscomte Aguado, premier Vin, 1863."

Our reasons for offering this fine wine at so low a price is that while it leaves us a fair profit as Merchants, we are anxious to show the public that even the finest Wines may, by judicious enterprise, be retailed at far lower prices than for many years have been customary in this country.

French Wines, to be really popular in this country, must not only be good in quality but reasonable in price, and we venture to predict that with a little further concession on the part of Mr. Gladstone—giving Wine imported in Bottle the same advantage in point of Duty as that imported in wood—that the quantity of French Wine consumed in this country will in the next ten years increase threefold, and will then be still far short of what it might and no doubt will be.—We are Sir, your obedient servants, H. R. WILLIAMS & Co., Crosby Hall, 32, Bishopsgate-street Within, London, E.C., December 19th, 1865.

## ESTATE EXCHANGE REPORT.

AT GARRAWAY'S.

Dec. 21.—By Mr. MURRELL.

Feehold ground rents, and the reversions at Camberwell amounting to £120 per annum, together with the lease, nine years unexpired, of the White Hart, livery stables and house adjoining, being Nos. 15 and 15a, Tichborne-street, Haymarket, producing £80 per annum—Sold for £2,790.

## AT THE GUILDFORD HOTEL.

Dec. 19.—By Messrs. DEBENHAM, TEWSON, &amp; FARMER.

Feehold residence, known as Elm Lodge, with grounds of about one acre, situate at Surbiton-hill—Sold for £3,800.

Leasehold premises, being No. 7, little Tower-street, let on lease at £120 per annum, term, 49 years unexpired, at a low ground rent—Sold for £2,830.

Freehold Swiss villa, known as Alpine Cottage, Coburn New-road, near Victoria Park—Sold for £680.

Freehold plot of building land, situate at Caterham, Surrey—Sold for £235.

## BIRTHS, MARRIAGES, AND DEATHS.

## BIRTHS.

BRANSON—On Dec. 17, at Holland-park, the wife of F. H. S. Branson, Esq., Barrister-at-Law, of a daughter.

LEWIS—On Dec. 14, at Tavistock-square, the wife of F. H. Lewis, Esq., Barrister-at-Law, of a son.

## MARRIAGES.

BRINDLEY—WALLACE—On Dec. 13, at St. Luke's, Cheltenham, Thomas Brindley, Esq., of the Inner Temple, to Louisa B. H. B., daughter of the late Captain G. H. Wallace, 16th regiment.

DUNCAN—SPINK—On Dec. 14, at St. Saviour's, South Belgravia, Henry J. Duncan, Esq., of South Shields, Solicitor, to Alice Lindsay, daughter of the late Mr. Spink, Durham.

LANGDON—BAKER—On Dec. 16, at St. James's, Notting-hill, Augustin W. Langdon, Esq., M.A., Lincoln's-inn, to Catherine H., daughter of the late Major H. C. Baker, of Notting-hill.

SELBY—JONES—On Dec. 14, at St. Clement Danes, Strand, John C. Selby, of Furnival's-inn and Cecil-street, Solicitor, to Eliza L. A., daughter of G. W. Jones, Esq., Essex-street, Strand.

## DEATHS.

CAY—On Dec. 13, at Edinburgh, John Cay, Esq., Advocate, Sheriff of the county of Linlithgow.

CLEMENCER—On Nov. 16, at Dublin, Harriett, widow of the late H. Clemencer, Esq., Surgeon, R.N., and daughter of the late Hon. J. Parsons, First Commissioner of the Insolvent Court, Dublin.

WISE—At Melbourne, Edward Wise, Esq., Judge in the Supreme Court, Sydney, aged 47.

## UNCLAIMED STOCK IN THE BANK OF ENGLAND.

The amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

BIRD, GOLDING, Esq., Russell-square, M.D., JOHN BRETT, Esq., Stock Exchange, and Helen M. Bird, minor, £76 0s. id. New £3 per Cent. Annuities—Claimed by H. M. Bird, now of age, the survivor.

DYNE, FRANCIS B., Gore-courts, Kent, Esq., HARVEY DICKINSON, Brasted, Kent, Esq., and EDWARD DICKINSON, Rugby, Warwickshire, Esq. £76 0s. 2d. Reduced £3 per Cent. Annuities—Claimed by F. B. Dyne, and H. Dickinson.

EFFINGHAM, HON. RICHARD, EARL OF. One Dividend on £1,404 Navy £5 per Cent. Annuities—Claimed by C. S. M. Phillips, executor of said Earl of Effingham.

LEE, WILLIAM A., Esq., Park-lane, Piccadilly, and JOHN WILLIAM LEE, a minor, £33 6s. 8d., Consolidated £3 per Cent. Annuities—Claimed by said J. W. Lee, now of age, the survivor.

MANNERS, HON. LORD CHARLES, Somerset. One Dividend on £4,000 New £3 per Cent. Annuities—Claimed by Lord J. J. R. Manners, one of the executors.

MONCKTON, HON. HORACE M., Captain 3rd Light Dragoons. £500 New £3 per Cent. Annuities—Claimed by Hon. H. M. Monckton.

WOODBURN, SAMUEL, Esq., St. Martin's-lane, Charing-cross. £1,000 Consolidated £3 per Cent. Annuities—Claimed by A. S. Moore, Spinster, the administratrix de bonis non of S. Woodburn, deceased.

## LONDON GAZETTES.

## Friendly Societies Dissolved.

FRIDAY, Dec. 15, 1865.

Apollo Gift Fund and Burial Society, White Hart-inn, Queen-st, Ratcliffe. Dec. 9.

Friendly Benevolent Society, Youlgreave, Derby. Dec. 11.

Hand and Heart Painters and Glaziers Friendly Society, Duke of Cumberland Tavern, Bryanston-st, Marylebone. Dec. 11.

Tradesmen's Society, Dolphin-inn, Gloucester. Dec. 6.

## Creditors under Estates in Chancery.

Last Day of Proof.

FRIDAY, Dec. 15, 1865.

Scott, Joseph, Upperby, Cumberland, Gent. Jan 8. Scott v Scott, M. R.

Bovill, Beni, Miles-lane, St. Michael Crooked-lane, Merchant. Jan 10. Bovill v Bovill, V. C. Kindersley.

Owen, Joseph, Sheffield, York, Comm Agent. Jan 8. Owen v Owen, V. C. Wood.

TUESDAY, Dec. 19, 1865.

Linney, Jas Alfred, Regent st, Tailor. Jan 20. Linney v Linney, M. R.

Ripley, Rev Thos Hyde, Wootton Bassett, Wilts, Clerk. Jan 12. Aitchison v Ripley, M. R. dwards, Levitt, Frederick-pl, Goswell-st, Gent. Jan 11. Barrett v Edwards, V. C. Stuart.

Bleaskey, Joseph, Manch, Common Brewer. Jan 20. Tatton v Bleaskey, V. C. Stuart.

## Creditors under 22 &amp; 23 Vict. cap. 85.

Last Day of Claim.

FRIDAY, Dec. 15, 1865.

Atkinson, Richd, March, Cambridge, Gent. Feb 16. Woodward, March.

Charleton, Edwd Chas, Lee Hall, Northumberland, Esq. Jan 4. Dodd, Hexham.

Clarke, Joshua, Sharnford, Leicester, Gent. Dec 30. Minster & Son, Coventry.

Corbett, Geo, Stourbridge, Worcester, Saddler. Feb 1. Collis, Stourbridge.

Elliot, John, Liskeard, Cornwall, Linen Draper. Feb 1. Hingston, Liskeard.

Gardner, John, Wolverhampton, Stafford, Chest Handle Manufacturer. Feb 12. Gough, Wolverhampton.

Haynes, Priscilla, Chipping Sodbury, Gloucester, Widow. Jan 18. Trefnold, Chipping Sodbury.

Huskisson, Wm Huskisson Thighman, Earham, Sussex, Esq. Feb 25. Pemberton & Co, Whitehall-pl.

James, Abraham Rook, West Hatch, Somerset, Maltster. March 1. Foster, North Curry.

King, John Wm, Petersfield, Southampton, Yeoman. March 1. Adams, Alresford.

Lemage, John, Connaught-ter, Edgware-rd, Gent. Jan 30. Carpenter, Coleman-st.

Lemage, Rachel, Paradise-row, Stoke Newington, Spinster. Jan 30. Carpenter, Coleman-st.

Lynche, John, Royal Mint-st, Whitechapel, Cheesemonger. March 1. M'Leod & Cann, Lincoln's-inn-field.

Sankey, Sarah Ann, Chatham, Kent, Spinster. April 9. Brooke & Hughes, Margate.

Waring, John Edwd, Guildford, Surrey, Esq. Jan 24. Pope, Gray's-inn-sq.

TUESDAY, Dec. 19, 1865.

Borradaile, Wm, King's-arm-yard, Esq. Feb 28. Hamber & Harrison, King's-arm-yard.

Brooks, Thos, Norwich, Builder. Jan 13. Tillett, Norwich.

Cape, Mary, Cameron, Cumberland, Widow. Jan 27. Collin, Mary-port.

Chapman, Matthew Jas, Albemarle-st, M.D. Feb 16. Lawrence & Graham, New-sq, Lincoln's-inn.

Dodds, John, Skegby Hall, Nottingham, Esq. Jan 22. Burton & Browne, Nottingham.

Fentem, Geo, Portsea, Southampton, Commercial Traveller. Feb 1. Cousins, Fortsea.

Heintzmann, Alexis, Kensington-gardens-sq, Merchant. Jan 31. Harrisons, Walbrook.

Henning, Jas, Upper Avenue-nd, Hampstead, Esq. March 1. Rhodes & Co, Chancery-lane.

Isaacson, Wotton, Mildenhall, Suffolk, Attorney. Jan 31.

Marshall, John Scott, Knowle, Warwick, Victualler. Jan 10. Bolton & Smith, Solihull.

Norman, Saml, Taunton, Somerset, Gent. Jan 20. Rossiter, Taunton.

Ring, John Wm, Petersfield, Southampton, Yeoman. March 1. Adams, Alresford.

Selby, Robt, Fenchurch-st, Wine Merchant. Feb 1. Carr, Rood-lane.

Slater, Robt, Ashton-under-Lyne, Lancaster, Grocer. Jan 31. Darnton, Ashton-under-Lyne.

Stares, John, Brighton, Sussex, Esq. March 25. Gunner, Bishop's Waltham.

Taylor, Saml, Claines, Worcester, Pig Dealer. Dec 31. Arkwell, Claines.

## Assignments for Benefit of Creditors.

FRIDAY, Dec. 15, 1865.

Minchin, Thos Fletcher, Morton-in-Marsh, Gloucester, Grocer. Sept 23. Sewell & Co, Stow-on-the-Wold.

Spencer, Thos, Earl Shilton, Leicester, Surgeon. Nov 20. R. & G. Toller, Leicester.

## Deeds registered pursuant to Bankruptcy Act, 1861.

FRIDAY, Dec. 15, 1865.

Blake, Joseph Fiennes, Brighton, Sussex, Captain in Royal Sussex Light Infantry. Dec 5. Comp. Reg Dec 14.

Brears, Robt, Knottingley, York, Farmer. Nov 15. Asst. Reg Dec 14.

Bristol, Geo, Gravel-lane, Southwark, Grocer. Dec 12. Comp. Reg Dec 14.

Burns, John Evir, York-pl, Kingsland, Auctioneer. Dec 7. Comp. Reg Dec 9.

Burton, Joseph, Birn, Builder. Nov 18. Asst. Reg Dec 14.

Cannell, Geo Arthur, Jarrow, Durham, Chemist. Dec 11. Asst. Reg Dec 14.

Carr, John Thynne, Douglas-nd, Canonbury, Timber Merchant. Dec 14. Comp. Reg Dec 15.

Cartwright, Thos Chas, Birn, Gas Fitting Manufacturer. Nov 20. Asst. Reg Dec 13.

Church, John, Talbot-nd, Notting-hill, Appraiser. Dec 11. Asst. Reg Dec 14.

Coleclough, John, Wiston, Stafford, Draper. Nov 24. Comp. Reg Dec 14.

Count, Wm, Cheltenham, Gloucester, Boot Manufacturer. Dec 9. Asst. Reg Dec 13.

Crosby, Harriet, Stockton, Durham, Grocer. Nov 15. Asst. Reg Dec 12.

Daly, Patrick, Blackhill, Durham, Draper. Nov 15. Comp. Reg Dec 12.

Davis, Thos, Talbot-grove, Notting-hill, House Agent. Dec 11. Comp. Reg Dec 14.

Deakin, Joseph, Worcester, China Dealer. Nov 17. Asst. Reg Dec 12.

Degg, Alfred, & Geo Marsden, Hammer, Manch, Timber Merchants. Nov 27. Comp. Reg Dec 15.

Dixon, Thos, South Shields, Durham, Shipbroker. Nov 18. Asst. Reg Dec 15.

Evans, Evan, Birn, Warehouseman. Nov 20. Asst. Reg Dec 14.

Fawcett, Jas, Huddersfield, York, Tin plate Worker. Nov 18. Asst. Reg Dec 15.

Freeman, Alfred, jun, St Leonard's-on-the-Sea, Sussex, Mariner. Dec 7. Asst. Reg Dec 14.

Furnival, Geo, Manc, Composer. Dec 5. Comp. Reg Dec 12.

Gardner, Jas, Maidenhead, Berks, Builder. Dec 9. Comp. Reg Dec 12.

Garett, Chas, Banstead, Surrey, Contractor. Nov 15. Comp. Reg Dec 14.

Genes, Saml, Lpool, Printseller. Dec 6. Comp. Reg Dec 13.

Groom, John, Leeds, Plate Worker. Nov 18. Asst. Reg Dec 14.

Hay, John, Burnage, Lancaster, Joiner. Nov 17. Asst. Reg Dec 14.

Hearne, Fredk, High-st, Camden-town, Undertaker. Dec 13. Comp. Reg Dec 15.

Holme, Wm, Glossop, Derby, Draper. Nov 17. Comp. Reg Dec 14.

Holmes, John, Birr, Wiredrawer. Nov 30. Asst. Reg Dec 13.

Hutchison, Hy, Castle Hastings, & Wm Hutchison, Battle, Sussex, Wheelwrights. Nov 17. Conv. Reg Dec 13.

Kemp, John, Chichester, Grocer. Nov 17. Asst. Reg Dec 12.

Klein, Julius, New North-rd, Islington, Schoolmaster. Dec 12. Comp. Reg Dec 15.

Lasarus, Solomon, Baker's-row, Mile-end New-town, Rag Dealer. Nov 28. Comp. Reg Dec 12.

McLellan, John, Dudley, Worcester, Travelling Draper. Dec 5. Comp. Reg Dec 15.

Moore, Augustine Franz Roland, Nottingham, Printer. Nov 20. Asst. Reg Dec 15.

Moran, Michael, Huddersfield, York, Land Surveyor. Nov 20. Asst. Reg Dec 15.

Needham, Geo, South Ockendon, Essex, out of business. Oct 29. Comp. Reg Dec 14.

Nesbitt, Steph, jun, Darlington, Durham, out of business. Nov 15. Asst. Reg Dec 13.

Nicholson, Josah Walker, Leeds, Cabinet Maker. Nov 16. Asst. Reg Dec 13.

Redward, Eliz, Portsea, Hants, Fishmonger. Nov 14. Asst. Reg Dec 12.

Robinson, Geo, Halifax, York, Music Seller. Nov 22. Comp. Reg Dec 15.

Russell, Jas de Blois, West Bromwich, Stafford, Tube Manufacturer. Nov 27. Comp. Reg Dec 12.

Sharp, John Carr, & Hy Cross Davy, Bircham-lane, Gunpowder Manufacturers. Nov 14. Asst. Reg Dec 11.

Stead, Saml, Leeds, General Broker. Nov 17. Asst. Reg Dec 14.

Summer, Jas, Frindsbury, Kent, Potatoe Dealer. Dec 13. Comp. Reg Dec 15.

Swift, Lionel, Portssea, Southampton, Chief Engineer in R. N. Dec 18. Comp. Reg Dec 14.

Temple, Richd Hy, Motcombe-st, Belgrave-sq, Ironmonger. Nov 17. Asst. Reg Dec 14.

Thorp, Danl, Knottingley, York, Farmer. Nov 16. Asst. Reg Dec 14.

Tomkinson, Wm, Chester, Baker. Nov 21. Asst. Reg Dec 14.

Ward, Fredk Thos, Maidenhead, Berks, Gent. Dec 7. Comp. Reg Dec 14.

Whiteman, Randall, Lewes, Sussex, Tailor. Nov 18. Asst. Reg Dec 15.

Williams, Chas Hy, Poultry, Mining Agent. Nov 30. Asst. Reg Dec 14.

Williams, Fitzherbert John, Radcliffe-rd, West Brompton, Tutor. Nov 24. Asst. Reg Dec 14.

Witt, Benj, Sidmouth, Devon, Hotel Keeper. Nov 18. Conv. Reg Dec 13.

TUESDAY, Dec. 19, 1865.

Bayley, Thos Abishni, Lipton, Stafford, Coal Master. Dec 12. Comp. Reg Dec 15.

Booth, Joshua, Bury, Lancaster, Grocer. Nov 21. Asst. Reg Dec 18.

Boucher, Fredk Wm, Bilstion, Stafford, Tobacconist. Dec 14. Asst. Reg Dec 18.

Burridge, Frederic Keyner, Colchester, Essex, Seedgrower. Nov 22. Asst. Reg Dec 16.

Churchill, Wm Wild, Manc, Grocer. Dec 12. Asst. Reg Dec 19.

Connah, Wm, Lpool, Manager of Mail Carts. Nov 21. Comp. Reg Dec 19.

Dowson, Ralph Andrew, Goathland, York, out of business. Nov 21. Asst. Reg Dec 19.

Ellis, Edwin, Billesdon, Leicester, Innkeeper. Nov 24. Asst. Reg Dec 18.

Fox, Thos, Bradford, York, Draper. Dec 12. Asst. Reg Dec 19.

Frame, Fredk, Lpool, Commercial Traveller. Dec 11. Comp. Reg Dec 19.

Garnett, Thos, Milton, Cumberland, Nov 28. Comp. Reg Dec 15.

Gibbs, John, Swansea, Glamorgan, Plasterer. Nov 27. Comp. Reg Dec 18.

Hardwick, Chas Ferdinand, Dalston, Middx, Egg Importer. Dec 14. Comp. Reg Dec 15.

Healey, Timothy, Queenhithe, Wholesales Stationers. Dec 18. Comp. Reg Dec 18.

Hear, Hy, Fulneyc, York, Cloth Manufacturer. Nov 21. Asst. Reg Dec 16.

Hide, Richd Thos, Walberton, Sussex, Draper. Nov 17. Asst. Reg Dec 15.

Holmes, Hy, Canal-rd, Mile-end-rd, Milkman. Dec 18. Comp. Reg Dec 18.

Jefferson, Robt Charter, Whitby, York, Lodging-house Keeper. Nov 25. Asst. Reg Dec 18.

Johnson, Steph, Stonefield-st, Islington, Solicitor's Clerk. Dec 7. Comp. Reg Dec 18.

Jonas, Joseph, & Edwd Josephy, Leeds, Cloth Merchants. Nov 23. Asst. Reg Dec 18.

Knowles, Geo, Sheffield, York, Accountant. Nov 23. Asst. Reg Dec 18.

Lingworth, Wm, Pudsey, York, Cloth Manufacturer. Nov 23. Comp. Reg Dec 16.

Lodge, Margaret, West Boldon, Durham, Grocer. Nov 28. Comp. Reg Dec 16.

Pepiow, Hy, Wolverhampton, Stafford, Innkeeper. Nov 25. Asst. Reg Dec 16.

Randall, John Mayor, Thatcham, Berks, Chemist. Nov 23. Asst. Reg Dec 16.

Scott, Sarah, Lonsdale-sq, Islington, Boarding-house Keeper. Dec 2. Asst. Reg Dec 15.

Senior, Joseph, Tuxford, Nottingham, Farmer. Nov 23. Asst. Reg Dec 18.

Shemwell, Edwd, Pendleton, Lancaster, Cabinet Maker. Nov 18. Asst. Reg Dec 15.

Spencer, Thos, Earl Shilton, Leicester, Surgeon. Nov 20. Asst. Reg Dec 16.

Squire, Joseph, Upper Norwood, Surrey, Grocer. Nov 21. Comp. Reg Dec 19.

Stoker, Thos, Jarrold, Durham, Grocer. Nov 21. Asst. Reg Dec 18.

Taylor, Hy, Manc, Salesman. Nov 23. Asst. Reg Dec 16.

Thacker, Edwd, Walsall, Stafford, Innkeeper. Nov 17. Comp. Reg Dec 15.

Tilbury, Chas, Aldershot, Southampton, Licensed Victualler. Dec 9. Asst. Reg Dec 18.

Topley, John, Rochester, Kent, Gardener. Nov 25. Comp. Reg Dec 18.

Whitaker, John, Rotherham, York, Licensed Victualler. Nov 23. Asst. Reg Dec 16.

Williams, Wm Hy, Gray's-inn-rd, Grocer. Nov 18. Comp. Reg Dec 16.

Windle, Wm, Dewsbury, York, Innkeeper. Nov 28. Comp. Reg Dec 19.

### Bankrupts.

FRIDAY, Dec. 15, 1865.

To Surrender in London.

Arnold, Tom Alex, Upper Lewisham-rd, Kent, Grocer. Pet Dec 13. Jan 13 at 11. Reed, Guildhall-chambers.

Babington, Benj, Addlestone, Surrey, Barrister-at-Law. Pet Dec 13. Jan 13 at 11. Lawrence & Co, Old Jewry-chambers.

Balaam, Jas, Gt Hallingbury, Essex, Railway Contractor. Pet Dec 7. Jan 10 at 2. Marsden, Walbrook.

Beagin, Jas, Bradford-end, Carpenter. Pet Dec 11. Jan 9 at 2. Howell, Cheapside.

Beard, John Pearce, Devonport, Devon, Grocer. Pet Dec 13. Dec 27 at 11. Beer & Rundle, Devonport.

Bell, Geo Edwd, Kent, Tutor. Pet Dec 12, Dec 27 at 2, Nicholls & Clark, Cook's-ct, Carey-st.

Booth, John Stocks, St Albans, Herts, Professor of Music. Pet Dec 12. Jan 9 at 12. Olive, Portsmouth-st, Lincoln's-inn.

Copin, Paul Emile, Chas, Prisoner for Debt, London. Adj Nov 20. Jan 3 at 11. Aldridge.

Cundy, Chas, Prisoner for Debt, London. Pet Dec 12 (for pau). Dec 27 at 1. Goatey, Bow-st, Covent-garden.

Dayer, Thos Geo, Cumberland-st, Hackney-rd, Actor. Pet Dec 8. Jan 10 at 2. Chalk, Coleman-st.

Day, Saml Phillips, Prisoner for Debt, London. Pet Dec 13 (for pau). Dec 27 at 2. Goatey, Bow-st, Covent-garden.

Deuson, Isaac, Pickard-st, City-rd, Engineer's Manager. Pet Dec 5. Jan 10 at 11. Morris, South-sq, Gray's-inn.

Gilbert, Edwd, South-crescent-mews, Burton-crescent, Cab Proprietor. Pet Dec 12. Dec 27 at 1. Breden, London-wall.

Isley, Edwd Jas, Reading, Berks, Builder. Pet Dec 12. Dec 27 at 2. Lewis & Whitbourne, Basinghall-st.

Jones, Joseph, Edgeware-rd, Outfitter. Pet Dec 11. Dec 27 at 1. Lea, Farnham's-inn.

Noble, Francis Robt, Greek-st, Soho, no occupation. Pet Dec 12. Jan 9 at 11. Gole & Gole, Lime-st.

Paterson, Wm, Culm-st, Bookseller's Manager. Pet Dec 12. Dec 27 at 1. Miller, Fenchurch-st.

Patterson, Geo, Liverpool-rd, Islington, out of business. Pet Dec 7. Jan 10 at 1. Munday, Essex-st, Strand.

Smith, Geo, Droxton, Hants, Farmer. Pet Dec 12. Jan 15 at 12. Lewis, Gt James-st, Bedford-row.

Temple, John Joseph Martin, St Leonard's-rd, Bromley, Ship Builder. Pet Dec 7. Jan 10 at 1. Miller, Fenchurch-st.

Treadwell, Wm, Martin's-lane, Cannon-st, Merchant. Pet Dec 12. Jan 15 at 12. Chidley, Old Jewry.

Ward, Geo, Oxford-st, Dentist. Pet Dec 12. Jan 9 at 12. Allen, Chancery-lane.

Ward, Thos Wm, Lee, Kent, Baker. Pet Dec 7. Jan 9 at 1. Armstrong, Site-lane, Bucklersbury.

To Surrender in the Country.

Broom, Hy, Ipswich, Suffolk, Watch Maker. Pet Dec 13. Ipswich. Dec 28 at 11. Moore, Ipswich.

Brocklehurst, Jas, Leek, Stafford, Innkeeper. Pet Dec 11. Leek, Dec 21 at 1. Tennant, Hanley.

Broughton, Richd, Middlesbrough, York, Cabinet Maker. Pet Dec 11. Leed, Jan 8 at 11. Simpson, Yarm.

Buck, Frederic, Newark-upon-Trent, Nottingham, Engineer. Pet Dec 12. Birn, Jan 16 at 11. Hodgkinson & Pratt, Newark-upon-Trent.

Burnham, Hy, Alfreton, Derby. Pet Dec 8. Alfreton, Dec 28 at 12. Heathcote, Nottingham.

Chinn, Geo, West Derby, Lancaster, Car Proprietor. Pet Dec 13. Lpool, Jan 4 at 11. Atherton, Lpool.

Clark, Wm, Lewes, Sussex, Shopkeeper. Pet Dec 12 (for pau). Lewes, Dec 27 at 11. Hillman, Lewes.

Clarke, Geo, Chesterfield, Derby, out of business. Pet Dec 11. Chesterfield, Jan 9 at 11. Busby, Chesterfield.

Cross, Joseph, Tunstall, Stafford, out of business. Pet Dec 14. Hanley, Dec 30 at 12. Salt, Tunstall.

Fraire, Geo de, Aylesbury, Bucks, Builder. Pet Dec 6. Aylesbury, Dec 30 at 12. Shepherd, Luton.

Faram, Wm, Sandbach, Chester, out of business. Pet Dec 9. Congleton, Dec 22 at 4. Welch & Burditt, Sandbach.

Fenton, Chas Stuart, Bishopwearmouth, Durham. Pet Dec 11 (for pau). Durham, Dec 27 at 11. Marshall, jun, Durham.

Gardner, David, Bristol, Boot Tree Manufacturer. Pet Dec 11. Bristol, Jan 12 at 12. Hill.

Graffin, Thos, Eastbourne, Sussex, Painter. Pet Dec 13. Lewes, Dec 27 at 10. Hillman, Lewes.

Handley, Edwd, Derby, Mason. Pet Dec 8. Derby, Jan 2 at 12. Briggs, Derby.

Haw, Wm, Bedale, York, Farm Labourer. Pet Dec 6. York, Dec 29 at 1. Mason, York.

Heath, Saml White, Brighton, Sussex, out of business. Pet Dec 13. Brighton, Dec 30 at 11. Runcables, Brighton.

Higgin, Titus, Stockton, Durham, Farm Labourer. Pet Dec 12. Stockton-on-Tees, Dec 27 at 11. Clemmet, Stockton-on-Tees.

Hope, Geo, Stanwix, Cumberland, Labourer. Pet Dec 11. Carlisle, Dec 28 at 11. Wannop, Carlisle.

Jenkinson, Aaron, jun, Altrincham, Chester, Beerhouse Keeper. Pet Dec 13. Altrincham, Dec 29 at 12. Atherton, Manch.

Kent, Wm, Northampton, out of business. Pet Dec 11. Northampton, Dec 27 at 10. Sheild & White, Northampton.

Ladell, Wm John, Hindringham, Norfolk, Farming Bailiff. Pet Dec 8. Little Walsingham, Jan 1 at 3. Garwood, jun, Wells.

Lewis, Thos Paul, Sunderland, Durham, Builder. Pet Dec 12. Newcastle-upon-Tyne, Jan 12 at 12. Hodge & Harle, Newcastle-upon-Tyne.

McAdam, John, Thirsk, York, Horse Dealer. Pet Dec 12. Leeds, Jan 8 at 11. Robinson, Richmond.

Mellor, Jas, Baguley-house Farm, Chester, Farmer. Pet Dec 13. Manch, Jan 8 at 11. Wood, Manch.

McGill, Jas, Wolsonton, Stafford, Potter. Pet Dec 12. Hanley, Dec 30 at 12. Sait, Tunstall.

Mills, Joseph, sen, Oldswinford, Worcester. Pet Dec 11. Stourbridge, Jan 1 at 10.

Owen, David, Manch, Cotton Waste Dealer's Manager. Pet Dec 12. Manch, Jan 9 at 11. Gardner, Manch.

Penson, Francis, Lpool, Grocer. Pet Dec 12. Lpool, Jan 4 at 11. Price, Lpool.

Phillips, Jas, Prisoner for Debt, Cardiff. Adj Nov 17. Cardiff, Jan 3 at 2.

Prothero, Thos, Prisoner for Debt, Cardigan. Adj Oct 12. Newcastle-in-Emlyn, Dec 28 at 11. George, Newcastle-in-Emlyn.

Rees, Rees, Trevethin, Monmouth, Mineral Agent. Pet Dec 12. Pontypool, Dec 29 at 12. Lloyd, Pontypool.

Richardson, Geo, Birkenhead, Chester, Tailor. Pet Dec 13. Birkenhead, Dec 29 at 10. Barrett, Lpool.

Young, Wm Ringwood, Sparham, Norfolk, Baker. Pet Dec 9. Little Walsingham, Jan 1 at 3. Garwood, jun, Wells.

Roe, Richd, Northampton, Shoe Maker. Pet Dec 12. Northampton, Dec 27 at 10. Shoosmith, Northampton.

Rudd, Wm Fredk, Norwich, Travelling Jeweller. Pet Dec 9. Norwich, Jan 1 at 11. Sudd, jun, Norwich.

Sheldon, John Wm, Sheffield, York, Currier. Pet Dec 13. Leeds, Jan 19 at 12. Binney & Son, Sheffield.

Smith, John, Moreton-in-the-Marsh, Gloucester, Coach Builder. Pet Dec 11. Shipston-on-Stour, Dec 29 at 10. Kirby, Banbury.

Timmins, Enoch, Darlaston, Stafford, Brick Maker. Pet Dec 13. Walsall, Dec 26 at 12. Dalby, West Bromwich.

Tippett, Edwin, Bristol, Tailor. Pet Dec 11. Bristol, Jan 12 at 12. Hill.

Tupper, Hy, Freemantle, Southampton, Pork Butcher. Pet Dec 11. Southampton, Dec 27 at 12. Mackey, Southampton.

Wilson, Jas, Coventry, Warwick, Builder. Pet Dec 12. Birm, Jan 15 at 12. Minster & Son, Coventry.

TUESDAY, Dec. 19, 1865.

TO Surrender in London.

Athow, Francis, March, Cambridge, Baker. Pet Nov 30. Jan 1 at 12. Freeman, Bucklersbury.

Austen, Jas, Woolwich, Kent, Licensed Victualler. Pet Dec 12. Jan 9 at 12. Goldrick, Strand.

Barker, Mary, Roade, Northampton, Innkeeper. Pet Dec 14. Jan 15 at 1. Metcalfe, Furnival's-inn.

Barger, Fredk, & Leopold Hartman, Red Lion-sq, Holborn. Pet Dec 12. Jan 15 at 1. Oldknow, Euston-sq.

Beatley, John Chas, Harrow-rd, Middx, Gas Fitter. Pet Dec 15. Jan 15 at 2. Empson, Moorgate-st.

Burgess, Thos Jonathan, Regent-st, Mile-end-rd, Tobacconist's Assistant. Pet Dec 15. Jan 15 at 2. Hall, Coleman-st.

Bush, John Whittaker, King-st, St James's-sq, out of business. Pet Dec 15. Jan 15 at 2. Lawrence & Co, Old Jewry-chambers.

Cracknell, John, Diss, Norfolk, Grocer. Pet Dec 14. Jan 1 at 11. Morris, Beaufort-buildings, Strand.

Druce, Geo Fredk, St Swithin's-lane, Solicitor. Pet Dec 15. Jan 13 at 12. Harrison & Lewis, Old Jewry.

Dunstan, John, Thornton-heath, Surrey, Gent. Pet Dec 11. Jan 15 at 12. Russell, Fenchurch-st.

Ewing, Jas & Jas Wimhurst, Ratcliff, Middx, Shipowners. Pet Dec 8. Jan 13 at 12. Lawrence & Co, Old Jewry-chambers.

Gilburt, Chas, Horsham, Sussex, Tailor. Pet Dec 12. Jan 15 at 1. Mason & Co, Gresham-st.

Gunnis, Eliza, Brunswick-st, Hackney-rd, Wadding Manufacturer. Pet Dec 14. Jan 1 at 11. G. & W. Webb, Austin-friars.

Harrison, Wm, Southgate, Middx, Cattle Dealer. Pet Dec 11. Jan 13 at 11. Peckham, Doctors' commons.

Harvey, Alex Ernest, Wellington-rd, Islington, Builder. Pet Dec 11. Jan 9 at 2. Chilton & Co, Chancery-lane.

Hooke, Wm, Modbury-ter, Kentish-town, out of business. Pet Dec 15. Jan 13 at 12. Dabois & Co, Gresham-st.

Horlock, David, & Hy Adams, New-cross, Surrey, Builders. Pet Nov 20. Jan 3 at 11. Angel, Guildhall-yard.

Lee, Richd, Gt Queen-st, Westminster, Surgeon. Pet Dec 14. Jan 1 at 11. Lawrence & Co, Old Jewry-chambers.

Lomer, Jas, Winchester, Southampton, Fancy Draper. Pet Dec 16. Jan 1 at 12. Godwin & Pickett, King's Bench-walk, Temple.

Marsh, Robt, Claremont-sq, Pentonville, Comm. Agent. Pet Dec 15. Jan 15 at 2. McDiarmid, Old Jewry-chambers.

Mauris, Chas, Cullum-st, Colonial Agent. Pet Dec 15. Jan 17 at 11. Hall, Coleman-st.

Osborne, Chas John, Cannon-st-rd, St George's-in-the-East, Schoolmaster. Pet Dec 16. Jan 17 at 11. Harcourt, King's Arms-yard.

Ott, Wm Hy, Penton-row, Walworth-rd, Contractor. Pet Dec 15. Jan 1 at 11. Kent, Cannon-st-West.

Ralph, Fredk Wm, Forest-hill, Kent, out of business. Pet Dec 14. Jan 13 at 11. Head & Pattison, Martin's-lane, Cannon-st.

Rogers, Saml Ham, Deal, Kent, Carpenter. Pet Dec 15. Jan 1 at 12. Nichols & Clark, Cook's-ct, Lincoln's-inn.

## BANKRUPTCIES ANNULLED.

FRIDAY, Dec. 15, 1865.

Durrant, Thos Chas, Westminster-rd, Lambeth, Jeweller. Dec 9. Adams, John, Aldwinckle, Northampton. Nov 18.

TO SOLICITORS, &c., requiring DEED BOXES, will find the best-made article lower than any other house. Lists of Prices and sizes may be had gratis or sent post free.

RICHARD & JOHN SLACK, 336, Strand, opposite Somerset House. Established nearly 50 years. Orders above £2 sent carriage free.

SLACK'S SILVER ELECTRO PLATE is a casting of pure Silver over Nickel. A combination of two metals possessing such valuable properties renders it in appearance and wear equal to Sterling Silver.

Fiddle Pattern. Thread. King's.

Table Forks, per doz..... £ s. d. £ s. d. £ s. d. £ s. d.  
Dessert ditto ..... 1 10 0 and 1 18 0 2 8 0 3 0 0

Table Spoons ..... 1 0 0 and 1 10 0 1 15 0 2 2 0

Dessert ditto ..... 1 10 0 and 1 18 0 2 8 0 3 0 0

Tea Spoons ..... 0 12 0 and 0 18 0 1 3 6 1 10 0

Every Article for the Table as in Silver. A Sample Tea Spoon forwarded on receipt of 20 stamps.